



Department of Public Safety

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State of Utah

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This investigative review by the Utah Department of Public Safety was conducted upon request by the Utah Governor's Office to examine the interactions and handling of an administrative case involving Melvin Shawn Rowland within the criminal justice system. This independent investigation involved a comprehensive review of multiple agencies, policies, systems and procedures.

The Utah Department of Public Safety's investigative findings and recommendations are presented herein based upon the collaborative effort and information sharing between multiple agencies.

Sincerely,
A handwritten signature in black ink, appearing to read "Jess L. Anderson".
Jess L. Anderson
Commissioner

UTAH DEPARTMENT OF PUBLIC SAFETY – STATE BUREAU OF INVESTIGATION

MELVIN ROWLAND AND THE CRIMINAL JUSTICE SYSTEM - REPORT OF INVESTIGATIVE REVIEW

EXECUTIVE SUMMARY

On October 22, 2018, Melvin Rowland murdered University of Utah student Lauren McCluskey on the University of Utah campus. Later, after a brief foot pursuit by police, he was found dead with a self-inflicted gunshot wound.

ROWLAND'S BACKGROUND INFORMATION

Melvin Rowland came to Utah from New York when he was approximately 20 years old. He was sentenced in 2004 to one to fifteen years in prison on charges of enticing a minor over the internet and attempted forcible sexual abuse.

Rowland was first granted parole in 2012, and was out on parole for approximately two months. His parole was revoked and he was returned to prison for four parole violations.

Rowland was granted a second parole in 2013, and was out on parole for approximately two and a half years. Rowland's parole was revoked and he was returned to prison in 2016 for four parole violations.

Rowland was paroled for a third time in April of 2018, after successfully completing sex offender therapy in prison. Rowland received a satisfactory report from his therapist. The special conditions of Rowland's parole were: 1) No internet access without AP&P approval, 2) No social media accounts, 3) Complete sex offender A program.

Rowland was scored in 2017 as a "moderate" risk offender based on assessments given by the Utah Department of Corrections. As a "moderate" risk offender, Rowland required a monthly office visit with AP&P and an AP&P field visit every other month. In the approximately six month period of time between April – October of 2018, Rowland had 6 office visits with AP&P and two field visits, which AP&P stated were within the normal standards and practices.

Two violations were observed by AP&P during Rowland's third parole (2018):

- 1) In a May 2018 AP&P field visit, Rowland's Parole Officer discovered messages with women in Rowland's phone, and Rowland admitted he was on a dating site. The Officer issued a verbal warning to Rowland that dating sites were social media and against his conditions. A verbal warning is within the range of discretionary guidelines for this violation.
- 2) In August 2018, Rowland admitted to smoking marijuana. His Parole Officer requested a urine sample and addressed the violation with an office visit and verbal warning, requiring that Rowland discuss it in therapy. This action was within the range of discretionary guidelines for this violation. During this parole, Rowland was documented as successfully progressing in his required treatment program.

When AP&P conducts enforcement action and imposes sanctions, Parole Agents can enforce violations in multiple categories, including *criminal violations* and *technical violations*. Criminal violations are violations

that constitute criminal activity, such as drug possession or use, or other violations of state code. Technical violations are violations that may not constitute criminal conduct, but are violations of terms and conditions of parole or probation for a given offender. Parole Agents operate within the guidelines from the *Adult Sentencing and Release Guidelines* and *AP&P Standards of Supervision*, and have discretion within the guidelines.

UTAH BOARD OF PARDONS AND PAROLE

When the Court imposes a prison sentence it is for a range of time (i.e 1-15 years). The Board decides the timing and conditions of release within the range of the sentence. Any combination of incarceration and supervision must be completed within the range of the sentence. If multiple prison sentences are imposed, the Court determines if the sentences are consecutive or concurrent. Parole hearings are set by rule according to rules and guidelines. Hearings are conducted and offenders may be granted parole. If paroled, offenders sign agreements with terms and conditions of parole. Per the Adult Sentencing and Release Guidelines, the Board can grant warrants based on probable cause for arrests of offenders and the Board can revoke parole. The Adult Sentencing and release guidelines outline severity of violations and delineate sanctions based on the severity of the violation.

In Rowland's case, Rowland had made threatening comments to his Parole Agent when he was taken into custody on violations of his second parole. Rowland stated he did not want to do parole any more and would become angry or violent if an agent were to come to his home on a field visit. Later, in a violation hearing, Rowland and his attorney told the Board hearing officer that he did not mean what he said when he made the comments, and that he would like another chance at parole. The guidelines for Rowland's second offense were 120 days incarceration before being eligible for parole again, per the JRI (Justice Reinvestment Initiative). However, the Board found a public safety exception and he was incarcerated for 747 days, far exceeding the standard guideline of 120 days.

The Board of Pardons and Parole explained the circumstances of the decision to grant Rowland a third parole, in light of the comments he made against AP&P. Rowland had been in prison for almost two years for a technical violation. He had completed the treatment as directed and had good progress reports and recommendations. Rowland's therapist noted that he had completed all treatment parameters and was ready to parole. At that point the Board could have held him to the expiration of his sentence (May 12, 2019) or released him on parole. If a person is held to the expiration of sentence, the person is released with no supervision or support services. The decision to parole Rowland, under parole agreements including required treatment, provide an incentive to complete treatment and provide motivation to participate in risk-reducing activities. By granting parole one year short of expiration, supervision and transition services could be provided, and if violations were to occur, the Board has jurisdiction to issue a warrant.

ROWLAND'S INTERACTIONS WITH MCCLUSKEY

Rowland met Lauren McCluskey in September 2018 at a bar. On October 9, 2018, McCluskey discovered Rowland had lied to her about his age, identity, and criminal past. McCluskey then broke up with Rowland.

McCluskey reported receiving concerning text messages from unknown numbers on October 12, 2018. University of Utah (U of U) Police took a report. On October 13, McCluskey again called, this time reporting extorting messages she was receiving. The case was referred to University of Utah Police detectives.

Through the course of their investigation, ultimately the University of Utah determined that Rowland was behind the messages and extortion sent to McCluskey. However, during the time of these messages and the investigation, University Police were unable to determine if it was Rowland or other people behind the messages sent to McCluskey. Rowland posed as other individuals from unknown numbers, while continuing to communicate with McCluskey from a known number, feigning he was upset that McCluskey was being harassed with the messages. None of the messages contained threats of violence or harm.

On October 22, 2018, McCluskey received a message from an unknown number that claimed to be the Deputy Chief at the University of Utah Police Department. Lauren reported this message to police.

Rowland murdered McCluskey on October 22, 2018 on the University campus. In the early hours of October 23, 2018, he was found dead of a self-inflicted gunshot wound.

COMMUNICATIONS SYSTEMS AND INFORMATION SHARING

AP&P was not aware of Rowland's involvement with the University of Utah Police. University of Utah Police were not aware Rowland was on parole. Three primary reasons for this were identified:

- 1) O-Track Database and Parole/Probation Sharing to Law Enforcement
 - a) O-Track is the records system used by the Department of Corrections. DOC enters information into O-Track, and the probation/parole status of offenders is shown in O-Track. A dispatcher at the University of Utah accessed Rowland's O-Track record, but was a new dispatcher on training, and did not notice a parole status within the record. It generally does not appear to be standard practice to run O-Track inquiries on all individuals.
 - b) Probation or parole information is shown on Records Management Systems (RMS) used by officers as part of a Driver License Query Response. When an officer runs a license or makes an inquiry, probation or parole information from the O-Track (DOC) database generates an alert for the officer to see. For an alert to be generated, the specific identifier that is queried (Driver License, etc.) must be in the O-Track system. In Rowland's case, his ID card was entered in the O-Track database, but his driver license was not. An inquiry by Rowland's ID card would have shown an alert (as it existed in the database), but an inquiry by driver license did not.
- 2) Public Safety Alert Notification System (PSAN)
 - a) The PSAN System generates a notification that is sent to DOC whenever an identifier associated with an offender in the database is queried. These notifications are logged in the O-Track system. Many of these inquiries are not law-enforcement contacts with offenders, and may be things such as employment background checks. In the time Rowland was out on his third parole, DOC logged 177,382 transaction notifications, and averaged over 25,000 notifications per month. AP&P Agents and personnel have access to this log of notifications, but explained that they do not have the manpower to process and follow up on the quantity

of notifications that are logged. Any arrests or citations involving offenders in the database generate desktop alerts or emails to AP&P Agents, who do follow up on all alerts received. Rowland had no arrests or citations while out on his third parole (2018).

3) Utah Criminal History

- a) Prior to May, 2018, Utah Criminal History records showed a probation or parole status if an offender was on probation/parole. In 2015, an audit conducted by the Federal Bureau of Investigation found this practice to be out of compliance. The audit cited the fact that the Bureau of Criminal Identification (BCI) received custody data from the Utah Department of Corrections, and that while BCI linked the custody data to the state record, the custody data was not forwarded to the FBI for inclusion in the III (Triple I criminal history). The fact that custody data was only appended to state records, and not shared with the FBI to be shared with other states and entities caused the status to be out of compliance. Investigators spoke with representatives from BCI, who stated that BCI did not share the custody data with outside agencies because BCI was not the owners of that data.

ACTIONS BY THE DEPARTMENT OF OCCUPATIONAL AND PROFESSIONAL LICENSING (DOPL)

On October 11, 2018, DOPL received an online complaint of an unlicensed practice, The Black Diamond Security Group (BDSG). DOPL opened and conducted an investigation into the security company, which was discovered to be operated by one individual who had set up an LLC for Black Diamond Security Group. This individual had not obtained nor operated under the required licensing for a security company. DOPL verified that at its largest size, BDSG had 4 employees. Melvin Rowland was one of these employees, who was employed for a brief period of time, including the time that BDSG operated the contract with the London Belle bar. Rowland was hired under the name of [REDACTED] and did not undergo a background check, as the owner and operator of BDSG did not have the appropriate licensing, nor operate under the required parameters to meet licensing requirements. Rowland worked several shifts at the London Belle bar.

In the course of the investigation, DOPL issued a cease and desist order to BDSG, and an administrative citation on October 25, 2018. The citation issued was for unlawful conduct (unlicensed security company). BDSG had no active contracts at the time and complied with the order and citation.

POTENTIAL VIOLATIONS AND POSSIBLE ACTIONS

Any potential sanctions on Rowland, based on his involvement and actions regarding the texts and extortion of McCluskey would have varied based on the evidence and information known to investigators at the time. Additionally, it would have depended on the probable cause developed or established at the given point in time, as well as circumstances, details, and other factors.

The Board of Pardons and Parole grants warrants and revokes parole based on probable cause. The methods and actions used by Rowland made it difficult for investigators to establish probable cause that he was involved with or committing the violations. AP&P's actions in regards to supervision and offenders are outlined in the *Adult Sentencing and Release Guidelines*, and include a variety of matrices, guidelines, sanction options, etc. Additionally, Parole Agents have discretion within the guidelines.

Any possible actions or involvements of AP&P, had they been notified, are speculative and dependent on the circumstances and discretion of the investigating agencies and parties, with the information available to them at the given time.

UTAH DEPARTMENT OF PUBLIC SAFETY - STATE BUREAU OF INVESTIGATION

MELVIN ROWLAND AND THE CRIMINAL JUSTICE SYSTEM – REPORT OF INVESTIGATIVE REVIEW

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CHAPTER 1: BACKGROUND AND SCOPE

1.1 Incident Overview And Scope of Investigation

On October 22, 2018, University of Utah student Lauren McCluskey was shot and killed on the university campus by Melvin Shawn Rowland. After a brief pursuit by police, Rowland was discovered deceased with a self-inflicted gunshot wound. It was discovered through the course of the investigation that Melvin Rowland was on parole for an offense committed in 2003.

The Utah State Bureau of Investigation (SBI), a division of the Utah Department of Public Safety, was requested by the Utah Governor's Office to review and investigate the interactions and handling of a case involving Melvin Shawn Rowland by the criminal justice system. The review and investigation covers the path and actions of Rowland within the Utah Department of Corrections, the Utah Board of Pardons and Parole, and the records, supervision, and handling of Melvin Rowland's case throughout his process within the Utah criminal justice system. This investigation reviews the flow of information surrounding Rowland's involvements with and throughout multiple entities. The review presented in this report is focused on the Utah criminal justice system and Melvin Rowland's involvement within that system. The University of Utah Police Department is conducting a criminal investigation into the incident, and the university commissioned an independent investigation into the University of Utah's system and actions.

The information in this report covers a variety of information and material from the *Adult Sentencing and Release Guidelines* set forth by the Utah Sentencing Commission. Additionally, it cites and compares material from the *Standards of Supervision* as outlined for Adult Probation and Parole supervision. This report contains select parts and aspects from these documents to outline for the reader a general overview and brief summary. For full context and understanding of the guidelines, system, and information, resources have been provided for the complete and original material and sources.

1.2 Information Sources

Information was sourced from the following entities: the Utah Department of Corrections, The Utah Board of Pardons and Parole, The Utah Bureau of Criminal Identification, The Utah Department of Technology Services, The Salt Lake City Police Department, and The University of Utah Department of Public Safety. The McCluskey family was contacted, and investigators spoke with an associate of Rowland. A complete list of references and sources can be found at the conclusion of this report.

CHAPTER 2: TIMELINES

2.1 Pre-Incident (Rowland's Background and Correctional History)

GENERAL BACKGROUND INFORMATION

An excerpt from the presentence investigation report (2004) outlines the general background information for Melvin Shawn Rowland:

The Defendant [Rowland] was born in Brooklyn, New York, on May 12, 1981, and was adopted by Austin and Ann Rowland. He described his childhood as "excellent," stating he encountered no major problems with the exception of his adoptive parents passing away when he was fifteen. He was placed in a group

home where he remained until he was seventeen and went to a private school in Colorado. When he was approximately twenty, he moved to Utah to attend the Job Corps program and states he obtained a CNA license. He then moved to Salt Lake City and attended Salt Lake Community College before transferring to the University of Utah*. He currently resides with roommates in Salt Lake City.¹

*According to the University of Utah, Rowland was not a student at the time of the murder of Lauren McCluskey.

CRIMINAL CHARGES AND ENTRY INTO THE UTAH DEPARTMENT OF CORRECTIONS SYSTEM

On March 15, 2004, Melvin Shawn Rowland pled guilty to charges of Attempted Forcible Sexual Abuse (3rd degree felony) and Enticing a Minor over the Internet (2nd degree felony). The recommendation in Rowland's *Presentence Investigation Report* states:

"It is respectfully recommended by the staff of Court Services, Adult Probation and Parole [AP&P], that the defendant be committed to the Utah State Prison to serve the terms prescribed by law; and that he pay restitution in full, and complete a psychosexual evaluation."²

The report stated that the defendant [Rowland] scored in the low risk/needs category on the Level of Services Inventory (LSI) assessment instrument. The LSI assessment is designed to identify any significant problem areas with employment, finances, attitude and other factors and assigns an appropriate score - low, moderate, or high. It assists in determining supervision levels and correctional tools to use with offenders, assessing both the risks and needs of the given offender. Further described in **Chaper 3.1** of this report, these assessments are given to establish offender risk levels.

On July 19, 2004, Melvin Rowland was sentenced to an indeterminate term of not less than one and not more than fifteen years in the Utah State Prison, based on his conviction of Enticing a Minor over the Internet. He was also sentenced to an indeterminate term not to exceed five years, for Attempted Forcible Sex Abuse. This sentence was ordered to run concurrently with credit for time served.

FIRST PAROLE AND REVOCATION:

On July 17, 2012, Rowland was granted parole by the Utah Board of Pardons and Parole. The conditions and terms of this parole are detailed in his parole agreement.³ Rowland was paroled from July 17, 2012 to September 5, 2012. On September 4, 2012, the warrant request for a return to custody was issued by the Board of Pardons and Parole. This warrant was issued based on the following violations:

- 1) By having failed to allow an AP&P Officer to search his person, residence, vehicle or any other property under his control, on or about 8/31/2012, in violation of a standard condition of the Parole Agreement.
- 2) By having failed to participate in sex offender therapy, on or about 8/31/2012, in violation of condition A of the Group A Sex Offender Agreement.
- 3) By having had in his possession materials depicting human nudity, on or about 8/31/2012, in violation of condition H of the Group A Sex Offender Agreement.
- 4) By having failed to comply with Utah Sex Offender Registration requirements in violation of condition N of the Group A Sex Offender Agreement.⁴

The probable cause for each of these violations was documented in the warrant request and parole violation report.⁵ On August 31, 2012, Rowland was taken into custody and processed into Bonneville's CCC's Secure Cell while a warrant was being requested. The Bonneville Community Correctional Center (CCC) is a facility designed for offender transition and treatment. On September 5, 2012, Rowland was transported to the Utah State Prison. It was recommended that he serve a minimum of one year in

prison prior to consideration for another parole; it was also requested that the following special condition be added to his parole agreement:

“No access to internet social networking or “chat lines” without approval of adult probation and parole.”⁶

Rowland was imprisoned from the time of the parole revocation until his second parole, a period of approximately one year.

SECOND PAROLE AND REVOCATION:

On September 3, 2013, Melvin Rowland was again granted parole. The terms and conditions of his parole were detailed in his second parole agreement.⁷ Rowland was then released on his second parole. Rowland was out on parole, and a warrant request was submitted to the Board of Pardons and Parole on November 5, 2015, after an incident took place. The details of this warrant request are summarized in the following:

Details of warrant request: On October 31, 2015, Rowland was driving his car in Salt Lake City and ran into the back of another car. Rowland rapidly reversed his car, nearly crashing into an Einstein Bagel’s store. A good Samaritan stopped to check on Rowland, and Rowland entered the passenger seat of the good Samaritan’s car, telling him he needed to get out of there. The report states that the good Samaritan did as Rowland asked, due to Rowland’s large stature and aggressive behavior. After dropping Rowland off near his address, the good Samaritan called police. Salt Lake City Police responded to the hit and run and impounded Rowland’s car. Rowland reported to Progressive insurance that his car had been stolen. Rowland later contacted his AP&P Agent and stated his car was involved in a hit and run. When asked by his Parole Agent⁸ to tell him what happened, Rowland said he contacted his lawyer and didn’t want to talk to the agent. Rowland’s Parole Agent submitted a request for a warrant to the board on November 5, 2015, with the following allegations.

Allegation 1: By having committed a new criminal offense of Kidnapping-Adult, on or about 10/31/2015, in violation of the Parole Agreement.

Allegation 2: By having committed a new criminal offense of Fraud-False Pretenses, on or about 10/31/2015, in violation of the Parole Agreement.

Allegation 3: By having committed a new criminal offense of Damaged Property-Private Vehicle, on or about 10/31/2015, in violation of the Parole Agreement.

Allegation 4: By having committed a new criminal offense of Traffic-Hit and Run, on or about 10/31/2015, in violation of the Parole Agreement.

The Board of Pardons and Parole did not approve that warrant, responding to the Parole Agent that the Board would wait on the filing of criminal charges in the case before issuing a warrant. (Ultimately, with further review of the details of the incident and probable cause, criminal charges were not filed in that case – detailed in **Chapter 7.2** of this report.) This information was noted in an offender history information entry from November 13, 2015. Below is a response to the Parole Agent from the Board:

“The Board has denied your amended request for a warrant.

Since allegations must meet constitutional requirements under the Fourth Amendment, the board will not issue as is. The problem is that the crimes as alleged in the report do not contain enough factual PC [probable cause] rather than hearsay to prove by the preponderance of the evidence that these crimes occurred. This requirement must be met at the time the warrant is issued in the event that this ends up going to an evidentiary hearing.

The Board agrees that his actions that are alleged in the warrant request are troubling and possibly criminal in nature, but the allegations do not support/justify issuing a warrant under the U.S. Constitution. Also, most of the criminal allegations (#2-4) are not listed in the criminal code so they cannot issue on criminal charges that do not exist.

So at this time, the Board considered issuing on allegation #4 for not reporting for the last 4 days, however, they would rather that you place Mr. Rowland in a CCC [Community Correctional Center] under RIM [Response and Incentive Matrix, **Chapter 4.3**] until charges are filed. If they are filed, you can request a warrant at that time.

For now, if you do not wish to pursue the CCC, you could always submit a warrant alleging absconding and the Board will consider that.

If you have any questions/concerns, please let me know.”

Rowland's Parole Agent later filed an amended request to the warrant, after an incident in February 2016 when Rowland fled during an AP&P field visit. A warrant was issued by the Board for the following violations:

- 1) By having absconded or fled from parole supervision, on or about 02/11/2016, in violation of a standard condition of the Parole Agreement.
- 2) Violated the requirement to have no access to internet social networking or “chat lines” without approval of AP&P.
- 3) By having failed to participate in sex offender therapy, on or about 02/11/2016, in violation of condition A of the Group A Sex Offender Agreement.
- 4) By having had in his possession material that acts as a sexual stimulus for his deviancy, on or about 02/11/2016, in violation of condition G of the Group A Sex Offender Agreement.

The probable cause for these violations, as well as further details regarding the aforementioned incidents were documented in the warrant request and parole violation report.⁹

On Feb 17, 2016, Rowland contacted his Parole Agent and stated he was there to turn himself in. He was taken into custody at that point. When asked about the computers he had in his possession, he told the agent that he would find pornography and chat rooms that he used to hook up with women on the computers. He expressed to his Parole Agent that he was not going to do parole any more. He stated he would act very aggressive if another Parole Agent came to his house again. He told the agents he ran from them because he knew he was going back to prison and wanted to get his affairs in order.¹⁰

Additionally, Rowland stated he no longer wanted to be on parole anymore because he could not handle someone his own age telling him what to do. He also stated that he did not agree with the conditions of his parole and believed he should be allowed to date online and use the internet. Rowland said he wanted to finish his time in prison and expirate his sentence. Rowland said if he were to be placed on parole again and if an agent were to come to his home and conduct a field visit, he would not act appropriately and would become angry or violent.¹¹ Rowland was transported to the Utah State Prison and his parole was revoked. Rowland was incarcerated until April 17, 2018.

ROWLAND'S PAROLE VIOLATION HEARING, 2016

The below information is a brief summary and overview of information presented in Rowland's parole hearings, but is not a complete account of the hearings.

A parole violation hearing was held before a Board hearing officer on March 30, 2016. In the hearing, Rowland's attorney stated that he had conversations with Rowland, and addressed the comments

Rowland made regarding violence toward an AP&P Agent. The attorney stated that he and Rowland had a discussion the week prior, because AP&P had recommended in Rowland's file that he not be given another chance at parole and that he simply expire his sentence. The attorney stated he had a discussion with Rowland and explained Rowland's comments were disconcerting - particularly the comment that Rowland made that he did not wish to parole again - and if an agent were to come and make a field visit, he would become violent. The attorney continued and explained that Rowland expressed that he [Rowland] was mad at the time and that he was just making that statement and he didn't mean it. The attorney stated he did not have Rowland's full file in front of him, and didn't know if Rowland had instances of violence in the past, but did not believe there were. He stated that if that were the case, and Rowland had never actually perpetrated any violence on an individual, that Rowland's comments could be taken with a grain of salt, maybe as an empty threat. He further stated that his recommendation would be that Rowland be given another chance at parole (in one hundred and twenty days). The attorney stated that Rowland had told him he understood it would be a gift if granted, and that Rowland wanted to continue therapy and be successful on parole.

An AP&P supervisor stated in the hearing that the reason they recommended that Rowland not be given another opportunity at parole was based on those comments he made - that he was not willing to comply with parole, that he did not want to do parole, and that he would hurt an agent if he were placed on parole again. The supervisor stated he reviewed Rowland's history and did not see any assault charges or anything like that [other than the original offense], and that AP&P would not be opposed to granting Rowland another parole. The supervisor stated that in accordance with the JRI (Justice Reinvestment Initiative), the response level was appropriate. The supervisor stated 120 days would be in accordance with the JRI, given that this was his second violation. He noted Rowland did very well in the community correctional center and completed his treatment there.

Rowland told the Board hearing officer that his counselor had counseled him about being overwhelmed, and stated that situations with his son, work, school, and his son's mom contributed to him being overwhelmed. He said he should have addressed more of those issues in therapy. He told the Board hearing officer that his record showed he was parolable. He stated he was out there for 2 ½ years, finished sex offender therapy in a halfway house, left there with a good shift leader and parole officer, and support from the staff. He said he took responsibility for his comments, but that he had no problem going back out there on parole and continuing and progressing, and working on therapy and with his counselor. He stated Alpha Counseling helped him a lot. He also stated if he continued with his therapists and Alpha Counseling that this wouldn't happen again. Rowland said he was angry when he made the comments, and explained that he had turned himself in and knew he was losing everything. He said he took responsibility for whatever the agent at that time construed when he [Rowland] made those comments.

The Board hearing officer overseeing the hearing stated that she believed Rowland had a cycle, and that his pattern was cyclical. She said that the pattern she observed was that he had a manipulative cycle. She stated that in 2003 he committed his original offenses, in 2006 he was found manipulating a jail employee (to gain access to the internet), in 2009 he was discharged from the prison program for manipulating and lying, and that he was caught writing a female inmate that had been released, in an attempt to get her to wear provocative clothing across the street. The Board hearing officer stated that to his credit, he completed treatment in 2012, but stated that when Rowland was paroled in 2012, he was demonstrating predatory behaviors on the internet at the CCC. She stated that he again completed treatment at the CCC during his second parole, but during the most recent event, it was again discovered he was accessing the internet and seeking sexual partners, including admitting to hooking up (meeting) with an unknown number of them. The Board hearing officer explained that she felt like that was a public safety issue.

Rowland explained that he had some issues with his son's mother, and that he was addressing things in therapy. He told the Board hearing officer that he understood a pattern could be seen, but that when he had a son it had changed his life. He told the Board hearing officer he was addressing the issues in therapy. Rowland said he made the comment to his Parole Agent that he was lonely and made an excuse to get online. He told the Board hearing officer that he said that out of anger as well, and that his focus was on his son and his son's mom. Rowland denied to the Board hearing officer that he was hooking up with and meeting women. Rowland told the Board hearing officer that he talked to people online, and was planning on meeting them, but that is what got him in his cycle. He told the Board hearing officer he started getting into it in January (2016).

The Board hearing officer stated that based on face value with all of the things mentioned, she agreed with expiring his sentence. She said that based on what Rowland stated, that he didn't mean what he said about hooking up, and didn't mean to threaten the officer, she would take a final decision under advisement. She stated at face value she thought it was a public safety issue, and that she would figure out if she would recommend a public safety exception, and if he would get a parole again or expire his sentence. She told Rowland she would give a recommendation to the Board, but the Board would have the final say in the decision. Rowland told her he would understand if they expirated his sentence, but expressed a desire to go back out on parole and better himself.¹²

Ultimately, Rowland's parole was revoked, a public safety exception was found, and he was returned to prison for a period of 747 days, significantly exceeding the 120 day period suggested by the guidelines.

PAROLE BOARD RE-HEARING (2018)

Rowland explained to the Board member that while he was in prison he completed the required therapy. He stated that having a good therapist allowed him to look at and reflect on how he distorted his values when he was out on parole. He explained that he was living a double life the last time, by seeking attention from females. He told the Board member that he bettered his relationship with his son's mother and his son. He said he squandered 14 years of his life by being selfish and with his criminal thinking. He told the Board member that the therapist helped humble him. He said the therapist allowed him to take a deeper look and helped him open up and trust a group. He affirmed that he had completed the sex offender treatment program. He told the Board member he had been a peer leader which had helped his attitude. Rowland stated he was willing to follow every rule as [best] possible, and that he was fine with conditions. Rowland told the Board member about his family and plans for the future. Rowland was asked about if he was released, if he would be willing to continue with outpatient treatment services in the community, to which Rowland replied that he would. Rowland asked for the chance to redeem himself before the Board and his family. The Board acknowledged his effort and that he had done things the Board required of him.¹³

Rowland was granted a third parole in April 2018.

In regards to the decision made by the Board to parole Rowland, and in light of the comments made by Rowland at the time of his last arrest, a representative¹⁴ from the Board of Pardons and Parole explained the circumstances of the decision to grant him a third parole. Rowland had been in prison for almost two years for a technical violation. He had completed the treatment as directed and had good progress reports and recommendations (further details can be found in **Chapter 2.2** of this report, under *Rowland's Therapy History*). Rowland's therapist noted that he had completed all treatment parameters and was ready to parole. At that point the Board could have held him to the expiration of his sentence (May 12, 2019) or released him on parole. If a person is held to the expiration of sentence, the person is released with no supervision or support services. The decision to parole Rowland, under parole agreements including required treatment, provide an incentive to complete treatment and provide

motivation to participate in risk-reducing activities. By granting parole one year short of expiration, supervision and transition services could be provided, and if violations were to occur, the Board has jurisdiction to issue a warrant. Further details on the Board of Pardons and Parole can be found in **Chapter 5** of this report.

ROWLAND'S THIRD PAROLE:

Rowland was paroled for a third time on April 17, 2018. The terms and conditions of his parole were outlined in his third parole agreement.¹⁵ Rowland was out on this third parole when the murder of Lauren McCluskey took place in October 2018. Specific details of this parole are outlined in **Chapter 2.2, Pre-Incident, Rowland's Supervisory History of 3rd Parole, 2018**.

Rowland was employed for a time by an unlicensed security company called the Black Diamond Security Group (BDSG). Rowland did not report this employment to AP&P, and AP&P was not aware Rowland was working for or involved with BDSG. It was in this capacity that he was working at the London Belle bar where he met Lauren McCluskey. Action was later taken on Black Diamond Security Group by the Utah Department of Occupational and Professional Licensing (DOPL). For further details on BDSG and DOPL, see **Chapter 7.4** of this report.

2.2 Pre-Incident (Rowland's Supervisory History of 3rd Parole, 2018)

AP&P SUPERVISORY HISTORY

On April 17, 2018, Rowland reported to AP&P after being released from prison. AP&P noted that Rowland made comments that he seemed to know what he wanted, that he wanted to do it right, and that his last experience in prison was not pleasant and he did not want to go back. AP&P noted that his sentence expiration was May 12, 2019, and that Rowland said he would do what they ask of him until then.¹⁶

On April 30, 2018, Rowland's AP&P agent attempted a visit to Rowland's residence. There was no answer and the agent left a contact card in the door.

On May 16, 2018, Rowland reported as directed and had no police contact or unapproved contact with minors. He had hurt his ankle at work and was on crutches. His employment was updated and his employer was having him do desk work until his ankle was healed.¹⁷

On May 29, 2018, AP&P made contact with Rowland at his residence. Rowland's Parole Agent¹⁸ looked through his phone, and discovered messaging communication with women he was wanting to date. One of the messages was a conversation with a woman that Rowland wanted to meet; that woman had a 5 year old daughter. Rowland's Parole Agent told Rowland that was against his Group A conditions. Rowland further stated he was on a dating site, and that he didn't think that was social media. His Parole Agent advised him that they considered it as social media, which was against his parole conditions. It was noted that Rowland did not like the response, but stated he would comply.¹⁹ In an interview with Rowland's Parole Agent, they stated that Rowland did not have social media apps on his phone, just messaging conversation with women. Text messages and communications were not a violation of Rowland's conditions. Rowland had been granted permission from AP&P to access the

internet (including for online classes and school), but was prohibited from social media and chat lines. Further details on this violation are noted in **Chapter 8** of this report.

On June 14, 2018, Rowland reported as directed. It was noted that he had no police contact and no unapproved contact with minors. It was also noted that he was participating in Alpha Counseling group sessions.²⁰

On July 11, 2018, Rowland reported as directed. It was again noted that Rowland had no police contact and no unapproved contact with minors. It was noted that he was starting a new job and that he had aftercare with Alpha counseling. The counselor reported to AP&P that Rowland wasn't prepared with his homework for the previous session. Rowland stated he had no excuses, he just didn't do it.²¹

On July 13, 2018, AP&P received a quarterly report from Rowland's therapist. It stated that Rowland was in continued care and that they were targeting dynamic risk in the following areas: stage of change, cooperation with treatment, and cooperation with the community supervision.²²

On July 31, 2018, Rowland came in to AP&P to update his employment, advising AP&P that he worked at a bakery. The registry was updated and the registration form was emailed.²³

On August 12, 2018, Rowland admitted to smoking marijuana at a birthday party. He stated it was partly due to being in pain from a thrombosis hemorrhoid. He stated it wouldn't happen again as he was just in a lot of pain. Rowland's Parole Agent gave a verbal warning and told Rowland he would also have to discuss that in treatment. An entry was made under substance test that he admitted to smoking marijuana, and AP&P requested a urine sample at his office visit on August 15, 2018.²⁴ Additional details on this violation are noted in **Chapter 8** of this report.

On August 15, 2018, AP&P conducted a field visit at Rowland's residence. Rowland showed his Parole Agent the pain pills he had been prescribed for a surgery he had undergone the week prior. No violations were observed.²⁵

On August 15, 2018, Rowland reported to AP&P. He had no police contact and had no unapproved contact with minors. Rowland provided a Urinalysis sample which was positive for Marijuana. AP&P notes from Rowland's Parole Agent state "I came down on him to get his crap together due to missing treatment and hanging out with people that are smoking marijuana and he also took a hit of weed at the birthday party on 08/12/2018." It was noted he had surgery on August 8, 2018 for some thrombosis hemorrhoid and was on pain pills. It was noted he missed work several times due to the surgery and pain. It was noted he no-showed on August 12 for a treatment session, that he called an hour before session saying he wasn't going to go. Rowland said he was sick and just didn't want to go.²⁶

O-Track does not show a specific entry for a September 2018 office visit. In a summary written by Rowland's Parole Agent on October 13, 2018, it states: "Rowland was reporting monthly to my office; there is not an entry for September 2018; however he did report. The focal point of that office visit was ensuring that he was prepared to pass his polygraph and we discussed a potential for submitting a report to the Board asking for parole termination. We also discussed him following through with requesting custody/visitation with his son through the court."²⁷

On October 22, 2018, AP&P notes that they were contacted by the University of Utah Police, advising that an offender [Rowland] was a suspect in a homicide that had taken place on the University of Utah

campus. AP&P sent assistance and provided as much information as they had on Rowland, including cell phone numbers, addresses, associate information, and description information. AP&P provided manpower and assisted in following up on any leads that came in. Rowland's Parole Agent contacted the team and provided an additional address. All information was passed along to the lead investigator.²⁸

Rowland maintained his address in Salt Lake City, which was on file with AP&P. When AP&P conducted field visits at Rowland's residence (prior to October 2018), they had successful contact with Rowland at his listed residence.

Per the supervision guidelines outlined in **Chapter 4.2** of this report, Rowland's level of supervision required an office visit every month and a field visit every other month. Rowland had six office visits in his supervised time period, as well as two field visits and one attempted field visit (in which there was no answer at the door), which AP&P stated was within the normal parameters. In order to evaluate Rowland's supervision and contact with his Parole Agent, an examination of the phone assigned to Rowland's Parole Agent was conducted. The examination showed occasional text messages between Rowland and his agent related to his parole. The number of texts between the agent and Rowland was similar in frequency to the number of messages the Parole Agent was maintaining with other supervised offenders. These contacts and communications appear to be within the department's supervision standards.

ROWLAND'S RECENT THERAPY HISTORY (NOVEMBER 2017 – OCTOBER 2018)

In his treatment discharge from the Sex Offender Treatment Program (SOTP) that he successfully completed on November 10, 2017, the following information was noted:

"Mr. Rowland came into treatment with a cautious and defensive attitude toward treatment, but was able to open up more as he gained more trust with his group and therapist. He made significant progress in lowering his defensiveness and personalizing feedback, both in therapy and in the TC. He usually gets along well with officers, and rarely causes problems anymore."

The problems that were identified in this report were as follows:

"Problem Areas That Need Continued Work in Treatment:

Mr. Rowland needs to continue to work on recognizing and eliminating his use of thinking errors to justify/rationalize his behaviors, and in overcoming selfish, criminal thinking. He needs to continue to open up more emotionally to his support system in order to increase his emotional capacity and level of empathy. He will need to address defensiveness to feedback and work on his insecurities. He will need to work on monitoring his sexual impulses, and continue with overcoming them, while being aware of his sexual thoughts and fantasies."

The above listed citations from the discharge report represent only a brief part of the full report. Additional information, as well as detailed risk scores and assessments, can be found in the full discharge report from 2017.²⁹

The report concludes with the following summary and recommendation regarding Rowland. This information was referred to by the Board of Pardons and Parole in their determination to grant Rowland a third parole (**Chapter 2.1**)

"Summary and Recommendations:

Mr. Rowland has completed all of the treatment parameters in his program plan and is ready to parole. He gained insight into his deviant choices and sexual assault cycle, and came up with appropriate interventions for stopping the cycle. He has a small support system in the community with his wife and son; and has family outside of Utah, but recognizes his need to build up his support system to better ensure his success on parole. If he cannot get an approved address for parole, he may need the stabilization services of a CCC to get established in the community. Mr. Rowland should be required to enter into and successfully complete continued care sex offender treatment in a DOC-approved outpatient provider. He should include his support system in his therapy so that they can be more aware of his cycles and interventions, and to learn how to better assist him in his relapse prevention plan.”³⁰

Rowland was not entered into a CCC facility for his third parole, as he was able to provide an approved address and residential plan for his parole.

Rowland participated in a treatment program through Alpha Counseling while he was out on parole. In a treatment report from September 30, 2018, the following notes were entered regarding Rowland’s progress. The below is the Client Progress Report observations from Alpha Counseling:

“This is Mr. Rowland’s second Continued Care episode with Alpha Counseling. He was originally enrolled in Continued Care starting August of 2014. A Warrant Request and Parole Violation Report was developed by his AP&P Agent in February of 2016 as a result of Rowland absconding his residence during an attempted search of his cell phone. When asked why he absconded, Mr. Rowland stated that he was accessing social networking sites against his current conditions of parole and was afraid that he would have been taken into custody. He later turned himself in and was sent back to the Utah State Prison and ordered to participate in Sex Offender-Specific Treatment Program which he successfully completed. This marked his fourth successful completion of SOTP.

Mr. Rowland’s current Continued Care episode has primarily focused on recommendations of dynamic risk reduction identified by [Rowland’s Therapist³¹], LCSW’s Discharge Summary. Specifically, [Rowland’s Therapist] stated, *‘Mr. Rowland needs to continue to work on recognizing and eliminating his use of thinking errors to justify/rationalize his behaviors, and in overcoming selfish, criminal thinking. He needs to continue to open up more emotionally to his support system in order to increase his emotional capacity and level of empathy. He will need to address defensiveness to feedback and work on his insecurities.’* During this quarter, Mr. Rowland demonstrated dynamic risk reduction in areas regarding his impulsivity, problem solving, and cooperation with community supervision. Regarding his impulsivity, Mr. Rowland appears to have increased his ability to deliberate pros and cons of his decisions, and the potential short- and long-term impact of those decisions. For example, Mr. Rowland recently acquired new employment with a job that is more flexible with his school schedule. Mr. Rowland has previously demonstrated difficulty with taking on too many responsibilities and becoming emotionally overwhelmed. During this episode he appears to have reduced impulsive decisions regarding employment and education, and seems to have taken a more balanced approach. His SOTIPS* score in these respective areas will be reduced.

Additionally, his cooperation with Community Supervision has not been an issue during this episode. His LS/RNR score rated him a ‘Moderate’ risk for general recidivism overall. He was rated ‘low’ in all areas on his LS/RNR with the exception of his criminal history ‘moderate’ and companions ‘very high.’ When asked to comment on current social influences that have either a positive or negative influence on his ability to comply with current parole conditions, Mr.

Rowland stated that he has some friends with whom he often watches sports and plays video games. He reports that he is trying to stay single at the present time and has gone on a couple of dates, but is not wanting a long-term romantic relationship. Mr. Rowland is currently dealing with a custody dispute over his son, and believes that getting into a relationship would complicate this matter further. His current plan is to fully exipirate his current sentence which terminates in May 2019, at which time he said he will obtain legal counsel to gain custody of his son."³²

(*The Sex Offender Treatment Intervention and Progress Scale (SOTIPS) is a statistically-derived dynamic measure designed to aid clinicians, correctional caseworkers, and probation and parole officers in assessing risk, treatment and supervision needs, and progress among adult males who have been convicted of one or more qualifying sexual offenses and committed at least one of these sexual offenses after their 18th birthday.)

The Alpha Counseling Therapist and Rowland's Parole Agent discussed referring Rowland for an exit/maintenance polygraph with the plan to successfully discharge him from treatment. Rowland had an exit polygraph scheduled for November 2, 2018.³³

Rowland was noted as successfully meeting his treatment requirements during his third parole.

2.3 Victim Timeline (McCluskey's Timeline and Overview)

TIMELINE OF EVENTS

On September 1, 2018, Lauren McCluskey met Melvin Rowland at the London Belle bar in Salt Lake City. The day following, on September 2, they began a relationship. Rowland visited her often and spent time at her residence. Rowland was going by the name of [REDACTED].

Between the dates of October 5 and October 9, 2018, McCluskey returned to Washington to visit family. During that time, she discovered Rowland was a sex offender and that he was older than he had told her.

On October 9, 2018, when McCluskey returned to Utah, she decided to break off the relationship. She met with Rowland at her residence, where she confronted him about the information she had discovered. Rowland admitted to being a sex offender, but did not admit his age difference. McCluskey ended the relationship but allowed Rowland to stay the night. The next day, she loaned her vehicle to Rowland to run some errands.

On October 10, 2018, McCluskey made arrangements to get the car back from Rowland. Lauren McCluskey's mother³⁴ called campus dispatch to request a security escort for McCluskey to pick up the vehicle. Campus dispatch contacted McCluskey, who initially declined the assistance and stated Rowland would have the vehicle dropped off at her residence. The dispatcher stated she would have a security officer in the area during the arranged time the vehicle would be dropped off. McCluskey later called dispatch back and stated the vehicle had been left at the stadium, and she requested a security escort to pick it up. The vehicle was retrieved without incident.

On October 12, 2018, McCluskey contacted the University Police to report strange text messages she had been receiving from various phone numbers. McCluskey suspected these messages were from Rowland's friends and associates. The messages reported that Rowland was dead, and asked if McCluskey would be attending the funeral. It is believed that Rowland was using spoofed phone numbers to send these messages. McCluskey later saw updates to Rowland's social media and Rowland

sent McCluskey texts from his own number that was known to McCluskey. Rowland asked McCluskey to forward him the strange texts and led her to believe he would find the people responsible for sending those texts.

On October 13, 2018, McCluskey again contacted University police to report additional messages she had received. McCluskey had received messages from various names and numbers, stating that compromising photos of her would be released unless she paid the individuals. [REDACTED]

[REDACTED] She reported the name and texts from those extorting money to University police. An officer took the initial report and contacted the on-call detective. The detective coordinated steps in the case and arranged for a police supervisor and officer to meet with McCluskey to gain further information. Officers forwarded information to the detective.

On October 13, Lauren called the Salt Lake City Police Department dispatch to request an update. Specifics on this call are documented in **Chapter 7.3** of this report.

On October 16, 2018, the detective returned to work from days off and had been assigned the case for follow up. The detective reviewed evidence and information that had been provided in connection with the investigation.

On October 19, 2018, the assigned detective contacted McCluskey by telephone and spoke to her regarding the case. McCluskey told the detective the details of her involvement with Rowland and the details of the extortion. In this conversation Lauren stated that she believed the person extorting her was Rowland, due to the fact that one of the photos sent to her as part of the extortion was one that she and Rowland had taken together. McCluskey reported additional details pertinent to the case to the detective. McCluskey also reported that she had received a phone call from Rowland from an unfamiliar number. When asked how she knew it was Rowland, McCluskey stated that she recognized his voice and ended the conversation. McCluskey stated that no threats of harm or violence were made during the call. The detective explained that investigative subpoenas would be needed for the case, and the process takes time. The detective also advised McCluskey to contact dispatch if she received any additional messages regarding the extortion, messages to have her meet somewhere, or messages containing threats of violence or physical harm.³⁵

2.4 Incident (Rowland's Actions and Incident Overview)

On October 22, 2018, McCluskey received a text message claiming to be from a Deputy Chief at the University Police Department. McCluskey reported the text to police, and felt that text and others were attempting to lure her from her residence. Rowland was on campus on the day of the 22nd, looking for McCluskey. In the evening, he encountered McCluskey on campus while she was on the phone with her mother. Rowland forcibly took McCluskey to a nearby parking lot area, where he fatally shot her multiple times in a vehicle. Police response was initiated and alerts were sent out to the campus.

Police identified Rowland as a suspect in the homicide and broadcast information as an alert. In the early hours of October 23, 2018, police encountered Rowland on foot near the Trinity AME Church in Salt Lake City. Rowland fatally shot himself when police entered the church.³⁶

The University of Utah police department is conducting a full investigation into the incident and homicide.

CHAPTER 3: UTAH DEPARTMENT OF CORRECTIONS SYSTEM

3.1 Utah Department of Corrections Offender Risk Assessments

RISK ASSESSMENT OVERVIEW:

Guidelines and instructions from the *Utah Adult Sentencing and Release Guidelines* outline the risk assessments and tools that offenders in the Utah Department of Corrections system must undergo. Assessment tools are used to determine a level of risk of recidivism for a given offender. These screening and assessment tools, such as the Level of Services Inventory - revised (LSI-r) series of assessments, or the Level of Services/Risk Needs Responsivity (LS/RNR) are standardized assessments used to conduct these screenings. The LSI-r assessment was superseded by the LS/RNR in approximately December of 2015. The LS/RNR can be viewed as an updated version or generation of the LSI-r, and both are standardized assessments used to designate a risk level for offenders. Melvin Rowland's assessments consist of LSI-r results in 2016 and earlier years, and an LS/RNR assessment in 2017.

The guidelines dictate that the Department of Corrections and Adult Probation and Parole conduct presentence investigations on offenders who are (1) convicted of a felony level offense or class A level offense, and (2) who are identified as a moderate or high risk to reoffend by a validated screening tool such as the LSI-SV. It further specifies that the Presentence Investigation would then include the administration of a full validated risk and needs assessment tool, such as the LS/RNR, and other assessments as appropriate to assist in structuring supervision and treatment accordingly.³⁷

The Adult Sentencing and Release Guidelines further detail these categories and areas of evaluation with specific labels and guidelines:

Risk & Needs Assessments: Current research indicates that in order to improve recidivism outcomes, treatment programs must target criminogenic needs. Eight criminogenic risks and needs, often referred to as "The Central Eight," must be addressed in order to improve outcomes. **Addendum D, Central Eight Criminal Risk Factors**, provides a summary of both the criminogenic needs and corresponding treatment targets... Of these eight risk and need factors, the first four, often referred to as the "Big Four," will have the greatest impact on offender recidivism. The eight criminogenic risk and need factors include:

The Big Four

1. History of antisocial behavior (behavior that harms others, often with a lack of empathy for those harmed)
2. Antisocial personality pattern (impulsive and adventurous, pleasure seeking)
3. Antisocial cognition (attitudes, values and beliefs favorable towards crime)
4. Antisocial associates (association with pro-criminal peers)

The Moderate Four

5. Family/marital circumstances (poor quality relationships)
6. School/work (low levels of performance and involvement in school or at work)
7. Leisure/recreation (low involvement and satisfaction in anti-criminal leisure activities)
8. Substance abuse (problems with alcohol and/or other drugs)³⁸

Additional criminological assessment tools are outlined in the Adult Sentencing and Release Guidelines as well as studies and information supplementing these tools.

The LS/RNR Risk-Need-Responsivity evaluation is comprised of multiple categories, each category including multiple questions to determine a score in each category. The scores in each category correspond to a risk level, and an overall risk level is generated.

MELVIN ROWLAND'S LS/RNR RESULTS AND SCORE:

Melvin Rowland's most recently conducted LS/RNR Risk Assessment from December 11, 2017 included evaluations and scores in these categories and scored as a "Moderate" risk to re-offend. Rowland's LS-RNR overview, including categories, scores, and criminogenic level is shown below in figure 1.³⁹

Sec. #	Section	Score	Criminogenic Level	Description
1.1	1.1 CRIMINAL HISTORY	5.0	4	MEDIUM
1.2	1.2 EDUCATION/EMPLOYMENT	1.0	8	LOW
1.3	1.3 FAMILY/MARITAL	0.0	8	LOW
1.4	1.4 LEISURE/RECREATION	0.0	8	LOW
1.5	1.5 COMPANIONS	4.0	4	VERY HIGH
1.6	1.6 ALCOHOL/DRUG PROBLEMS	0.0	8	LOW
1.7	1.7 PROCRIMINAL ATTITUDE/ORIENTATION	0.0	4	LOW
1.8	1.8 ANTI SOCIAL PATTERN	1.0	4	LOW
2	2. SPECIFIC RISK/NEEDS FACTORS	0.0	0	
3	3. PRISON EXP - INSTITUTIONAL FACTORS	0.0	0	
4	4. OTHER CLIENT ISSUES	0.0	0	
5	5. SPECIAL RESPONSIVITY CONSIDERATIONS	0.0	0	
8	6. PROGRAM/PIACEMENT DECISION	0.0	0	
Showing 1 to 13 of 13 entries				
Total Score				11.0
Evaluation				MODERATE
Evaluation Override				
Override Reason				

Figure 1.

Rowland was scored as an overall "moderate" risk, based on the scores generated in each category. The "Criminal History" category, in which Rowland scored as "medium" is comprised of questions related to youth and adult dispositions and convictions, as well as incarceration and behavior during incarceration or supervision. The "Companions" category, in which Rowland scored as "very high" is comprised of questions involving criminal friends and acquaintances, and involvement with criminal friends and acquaintances.

Details on these risk levels (low, moderate, high) and how they relate to supervision standards and guidelines can be found in **Chapter 4** of this report, under *Supervisory Standards*.

ROWLAND'S HISTORICAL ASSESSMENT SCORES:

Additionally, Rowland's assessment history includes the following assessments, dates, and scores⁴⁰:

<u>Assessment</u>	<u>Date</u>	<u>Overall Score</u>
1) LS/RNR Risk-Need-Responsivity	12/21/2017	MODERATE
2) LSI-R LVL of Service Inventory	02/12/2016	MODERATE
3) LSI-R LVL of Service Inventory	04/15/2015	LOW
4) LSI-R LVL of Service Inventory	09/12/2013	MODERATE
5) LSI-R LVL of Service Inventory	07/18/2012	MODERATE

6) LSI-R LVL of Service Inventory	04/28/2004	LOW
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The scores of “moderate” from Sept. 12, 2013, and July 18, 2012, showed an override score to “high” for those two evaluations. Further details on score overrides are outlined in **Chapter 4.2** of this report.

The scores generated in these assessments and evaluations are then used to govern the supervisory requirements for Adult Probation and Parole. These supervisory requirements are found in **Chapter 4** of this report, under **4.4 Supervisory Matrices**.

3.2 Evaluations and Treatment

TREATMENT HISTORY:

Rowland’s treatment records indicate he participated in various treatment programs for sex offender treatment and substance abuse treatment with varying degrees of success. His treatment history records show the following programs and results⁴¹:

- 1) Sex Offender Treatment Program (SOTP)
 - a. Start Date: 12/05/2016
 - b. End Date: 11/07/2017
 - c. Exit Type: Successful Completion
- 2) Substance Abuse TX-Intensive (IOP)
 - a. Start Date: 04/04/2014
 - b. End Date: 02/12/2016
 - c. Exit Type: Unsuccessful Completion
- 3) Sex Offender TX-Residential
 - a. Start Date: 09/11/2013
 - b. End Date: 07/20/2014
 - c. Exit Type: Successful Completion
- 4) Sex Offender TX-Outpatient Archived
 - a. Start Date: 08/23/2012
 - b. End Date: 09/05/2012
 - c. Exit Type: Prison Incarceration
- 5) Sex Offender Treatment Program (SOTP)
 - a. Start Date: 08/04/2011
 - b. End Date: 04/17/2012
 - c. Exit Type: Successful Completion
- 6) Sex Offender Treatment Program (SOTP)
 - a. Start Date: 06/03/2012
 - b. End Date: 06/03/2012
 - c. Exit Type: Admin Removal
- 7) Sex Offender Treatment Program (SOTP)
 - a. Start Date: 10/21/2009
 - b. End Date: 02/05/2012
 - c. Exit Type: Successful Completion

The “Exit Type” entry indicates the manner of completion of the program – successful completion indicates all requirements of the program were successfully met, unsuccessful completion indicates

requirements were not successfully met and the offender was discharged, and admin removal indicates the offender was administratively removed.

Details on the courses and exit type, as well as notes and reports from therapists in regards to these treatment programs, can be found in Rowland's Treatment Discharge Summaries. Specific details regarding his most recent therapy are outlined in **Chapter 2.2**.

ADDITIONAL EVALUATIONS AND TREATMENT:

In addition to the above listed programs, Rowland also underwent sex offender treatability assessments, psychological evaluations, plethysmograph evaluations, and polygraph examinations. Treatment summary reports and group notes from Rowland's file further detail his treatment and evaluation history and actions within the treatment programs and evaluations.

3.3 Offender Histories

OFFENDER HISTORY REPORTS:

The Utah Department of Corrections maintains offender history reports, which track an offender's actions throughout their time in the Utah Department of Corrections System. Offender history reports contain extensive documentation including court actions, contacts, assessments, office reports, substance tests, notes, communications, personal information, treatment, and evaluations, among other information.

Rowland's offender history outlines all of his interactions within the Utah Department of Corrections from September 26, 2003, to October 23, 2018. Rowland's offender history has been a significant source of information for a timeline of Rowland's actions and events, with information from the offender history report being cited in various areas and chapters of this report.

3.4 Warrants and Parole Agreements

PAROLE HEARING AND AGREEMENT GENERAL INFORMATION

When the Court imposes a prison sentence it is for a range of time. For example, the sentence for a second degree felony is 1 to 15 years. The Board decides the timing and conditions of release within the range of the sentence. Any combination of incarceration and supervision must be completed within the range of the sentence. If multiple prison sentences are imposed, the Court determines if the sentences are consecutive or concurrent. In Rowland's case the sentences were 1-15 years and 0-5 years, running concurrently, which aggregates to 1-15 years. The expiration of sentence or maximum date was May 12, 2019.

The original parole hearing is scheduled according to Rule R671-201⁴². In cases involving death or if the offender is less than 18 years of age, the Board reviews the file and decides the date of the hearing by majority vote.

If conditions of parole are not met and the alleged violations meet an appropriate level of severity, an AP&P agent can request a warrant from the Board of Pardons and Parole using a *Warrant Request and Parole Violation Report*. This report will include the allegations of violations and the probable cause statement supporting the violations. Additionally, it includes a recommendation, Risk/Needs Assessment Level at the time of violation, number of paroles, response history, custody status, pending charges, financial obligation detail, living arrangements, treatment summary current parole period, drug and/or alcohol testing results, referred offenses, aggravating factors, mitigating factors, summary of performance during the parole period, and comments. The request is signed by the AP&P agent and supervisor, and is submitted to the Board of Pardons and Parole. The Board can grant a warrant based on probable cause. Not all violations trigger or require a warrant or revocation of parole – Parole Agents have discretion to impose their own sanctions, as well as additional sanctions that can be approved under the authority of a Parole Agent and their supervisor. Additional information on violation levels, sanctions, and warrants can be found in **Chapter 4** and **Chapter 5** of this report.

ROWLAND'S FIRST PAROLE AGREEMENT (07/17/2012)

Rowland was first granted parole on July 17, 2012. Rowland was granted this parole under his first parole agreement, issued on July 17, 2012. In addition to the standard parole agreement terms and conditions, the special conditions set forth in this parole agreement are summarized below:

- 1) CCC [Community Correctional Center] Stabilization – Enter CCC until stabilized
- 2) Group A – Group A including outpatient treatment
- 3) Pay Restitution (\$994.12)
- 4) Complete Sex Offender A Program
 - a. Therapy
 - b. Curfew (or electronic monitoring as required by AP&P)
 - c. Victim Contact (no direct or indirect contact with victim or victim's family)
 - d. Children under 18 (have no contact or association with children under age of 18)
 - e. Not Date (not date persons with children residing at home under the age of 18)
 - f. Children Congregate (not enter places or events where children congregate)
 - g. Sex Stimulus Material (not have in possession or control any material of sexual stimulus)
 - h. Exploit Material (not have in possession or control material that depicts nudity, sex acts, exploitation, etc.)
 - i. Entertain/Lure (not have in possession or control any items or material to lure or attract the attention of children under 18)
 - j. Polygraph (submit to random polygraph examinations)
 - k. Employment (employment must be approved by AP&P)
 - l. Residence (residence and residence changes must be approved by AP&P)
 - m. Interstate Compact (execute and adhere to the terms of the Interstate Compact Waiver and Agreement if parole served outside the state of Utah)
 - n. Registration/DNA (comply with requirements of the Utah Sex Offender Registration and DNA requirements)⁴³

Rowland signed this parole agreement, as well as a waiver of extradition and an Adult Probation and Parole Grievance Notification and began his first parole. Community Correctional Centers (CCC) facilities are those designated as places for offenders to go in order to aid in transition from prison to the community.

FIRST WARRANT

On September 4, 2012, a warrant request for a return to custody was requested by Rowland's Parole Agent and issued by the Board of Pardons and Parole. This warrant was issued based on the following violations of Rowland's parole agreement:

- 1) By having failed to allow an AP&P Officer to search his person, residence, vehicle or any other property under his control, on or about 8/31/2012, in violation of a standard condition of the Parole Agreement.
- 2) By having failed to participate in sex offender therapy, on or about 8/31/2012, in violation of condition A of the Group A Sex Offender Agreement.
- 3) By having had in his possession materials depicting human nudity, on or about 8/31/2012, in violation of condition H of the Group A Sex Offender Agreement.
- 4) By having failed to comply with Utah Sex Offender Registration requirements in violation of condition N of the Group A Sex Offender Agreement.

The probable cause for each of these violations was documented in the warrant request and parole violation report. A brief overview of the details from the probable cause statement of these violations is as follows: 1) During an AP&P search of his room, Rowland was found to be in possession of a cellular phone. During a preliminary search, links to pornographic videos were found on his phone. By the end of the room search, the phone had timed out and was locked. Rowland refused to provide the password to unlock the phone. 2) Rowland failed to enroll in the required outpatient sex offender treatment program. 3) Rowland's cell phone was found to contain pornographic links and pornographic material, and Rowland refused to provide the password, stating he forgot it. 4) Rowland failed to register sites with the Utah Sex Offender Registry as required. Full details can be found in Rowland's First Warrant Request.⁴⁴

Rowland was returned to prison until he was again paroled on Sept. 3, 2013.

ROWLAND'S SECOND PAROLE AGREEMENT

Rowland was granted parole for a second time on Sept. 3, 2013. Rowland was granted this parole under his second parole agreement, issued on Sept. 3, 2013. In addition to the standard parole agreement terms and conditions, the special conditions set forth in this parole agreement are summarized below:

- 1) CCC Sex Offender PRG – Successfully complete a CCC sex offender program
- 2) No Internet Access – Have no access to internet social networking or "chat lines" without approval of AP&P
- 3) Pay Restitution – (minimum of \$994.12 for medical treatment)
- 4) Complete Sex Offender A Program
 - a. Therapy
 - b. Curfew (or electronic monitoring as required by AP&P)
 - c. Victim Contact (no direct or indirect contact with victim or victim's family)
 - d. Children under 18 (have no contact or association with children under age of 18)
 - e. Not Date (not date persons with children residing at home under the age of 18)
 - f. Children Congregate (not enter places or events where children congregate)
 - g. Sex Stimulus Material (not have in possession or control any material of sexual stimulus)
 - h. Exploit Material (not have in possession or control material that depicts nudity, sex acts, exploitation, etc.)

- i. Entertain/Lure (not have in possession or control any items or material to lure or attract the attention of children under 18)
- j. Polygraph (submit to random polygraph examinations)
- k. Employment (employment must be approved by AP&P)
- l. Residence (residence and residence changes must be approved by AP&P)
- m. Interstate Compact (execute and adhere to the terms of the Interstate Compact Waiver and Agreement if parole served outside the state of Utah)
- n. Registration/DNA (comply with requirements of the Utah Sex Offender Registration and DNA requirements)⁴⁵

Rowland signed this parole agreement, as well as a waiver of extradition and an Adult Probation and Parole Grievance Notification and began his second parole.

SECOND WARRANT AND AMMENDMENTS

A request for a warrant was submitted by Rowland's Parole Agent on November 5, 2015. Amendments to the warrant were submitted on November 6, 2015, as well as February 12, 2016, and February 26, 2016. A warrant was ultimately issued by the Board of Pardons and Parole for the following violations:

- 1) By having absconded or fled from parole supervision, on or about 02/11/2016, in violation of a standard condition of the Parole Agreement.
- 2) Violation of the requirement to have no access to internet social networking or "chat lines" without approval of AP&P.
- 3) By having failed to participate in sex offender therapy, on or about 02/11/2016, in violation of condition A of the Group A Sex Offender Agreement.
- 4) By having had in his possession material that acts as a sexual stimulus for his deviancy, on or about 02/11/2016, in violation of condition G of the Group A Sex Offender Agreement.

The probable cause for each of these violations was documented in the warrant request and parole violation report. A brief overview of the details from the probable cause statement of these violations is as follows: 1) Rowland fled his residence of record while his Parole Agent was conducting a field visit and his whereabouts were unknown. 2) AP&P searched Rowland's phone and witnessed several social network apps being used on his phone. 3) Alpha Counseling reported to AP&P that Rowland had missed the last three meetings scheduled for sex offender treatment. Alpha Counseling discharged Rowland as unsuccessful. 4) Rowland had a book in his room that had several naked paintings inside of it. Rowland had been using social media apps on his phone to speak with women online. These were stated to be the same methods Rowland had been using when he committed his original offense. Full details can be found in Rowland's second warrant request and amendments.⁴⁶

ROWLAND'S THIRD PAROLE AGREEMENT

On April 17, 2018, Rowland was granted his third parole. Rowland was granted this parole under his third parole agreement, which was signed on February 28, 2018. In addition to the standard parole agreement terms and conditions, the special conditions set forth in this parole agreement are summarized below:

- 1) No Internet Access – No internet access without written permission from AP&P
- 2) No Social Media Acct – No social media accounts
- 3) Complete Sex Offender A Program

- a. Therapy
- b. Curfew (or electronic monitoring as required by AP&P)
- c. Victim Contact (no direct or indirect contact with victim or victim's family)
- d. Children under 18 (have no contact or association with children under age of 18)
- e. Not Date (not date persons with children residing at home under the age of 18)
- f. Children Congregate (not enter places or events where children congregate)
- g. Sex Stimulus Material (not have in possession or control any material of sexual stimulus)
- h. Exploit Material (Not have in possession or control material that depicts nudity, sex acts, exploitation, etc.)
- i. Entertain/Lure (not have in possession or control any items or material to lure or attract the attention of children under 18)
- j. Polygraph (submit to random polygraph examinations)
- k. Employment (employment must be approved by AP&P)
- l. Residence (residence and residence changes must be approved by AP&P)
- m. Interstate Compact (execute and adhere to the terms of the Interstate Compact Waiver and Agreement if parole served outside the state of Utah)
- n. Registration/DNA (comply with requirements of the Utah Sex Offender Registration and DNA requirements)⁴⁷

Rowland signed this parole agreement, as well as a waiver of extradition and an Adult Probation and Parole Grievance Notification and began his third parole period. Rowland was not entered into a CCC facility for his third parole, as he was able to provide an approved address and residential plan for his parole.

Rowland was out on this parole when he committed the homicide of Lauren McCluskey on the University of Utah campus.

CHAPTER 4: ADULT PROBATION AND PAROLE

4.1 Adult Probation and Parole Overview

Utah Adult Probation and Parole is a division of the Utah Department of Corrections which conducts the management and supervision of convicted offenders on probation or parole within the state of Utah. Adult Probation and Parole has various tasks and responsibilities within their role.

Investigators met with AP&P and reviewed many elements within their supervision and interactions with Melvin Rowland throughout the stages of Rowland's involvement in the Utah criminal justice system. As part of this review, investigators reviewed preliminary data on AP&P's work load and trends over the past 5 years.

Preliminary numbers provided to investigators during this investigation indicate that Presentence Investigation (PSI) workload for AP&P has increased by over 30% during the last five years in yearly PSI completions. In the same 5 years (2013-2018) numbers suggest supervision workload has increased by over 15%. AP&P agent positions increased by 35 from 2015-2016, however, the majority of new positions were designated for reentry/transition and treatment services (20 agents). The only direct increase to PSI over the last 5 years was during 2016, when 15 positions were added, a 5% increase to PSI and supervision agent positions.

Additionally, the number of average monthly contacts per agent (face to face contact with offenders), has increased from an average of 86 contacts in 2013 to an average of 109 contacts in 2018. Additionally, Justice Reinvestment Initiative (JRI) and other changes have resulted in an increase in the proportion of moderate and high risk offenders being placed on supervision. Higher risk offenders require more supervisory time and a higher frequency of contacts than lower risk offenders.*

(*The above data was obtained as preliminary information from AP&P)

In meeting with AP&P officials and reviewing work and documentation in regards to the Rowland case, AP&P appeared to meet all requirements and expectations of performance as delineated by the guidelines. While AP&P has experienced an increase in workload over the past 5 years, it was not a factor in Rowland's case, as AP&P supervision of Rowland was within standard practice.

4.1 Presentence Investigations

The Adult Sentencing and Release Guidelines state that presentence investigations are to be conducted on offenders convicted of a felony level offense or a class A offense and are identified as a moderate or high risk to re-offend.

Presentence investigations consist of a detailed report covering the following areas:

- Court cases and details of offenses
- Recommendations
- Evaluative assessment and problem areas
- Criminal history covering both juvenile and adult records
- Pending cases
- Gang affiliations
- Probation/parole history
- Victim impact statement and restitution
- Defendant's life history and current living condition
- Education, employment, and financial information
- Physical/mental health
- Alcohol/substance abuse history
- Collateral contacts

The reports are completed by an assigned investigator who compiles the report with information about the above categories as well as additional information. Presentence reports may contain the results of additional assessments or tools utilized by AP&P in developing and updating an offender's case action plan. Information from the presentence investigations and report are used in the offender's case action plans and supervision in the Department of Corrections system.

As part of the presentence investigation process, the offender completes a questionnaire and packet that includes questions in the following areas: statement of offense, prior criminal record, previous arrests as an adult, background information, accommodations, marital history, education, gang affiliation, health, alcohol and drug use, employment history, financial situation, military history, collateral contacts, plans and goals if granted probation, and attitudes/orientation.

Offenders are directed to complete the questionnaire prior to a scheduled meeting with the presentence investigator, who ultimately conducts the presentence investigation.

Melvin Rowland's presentence investigation report was conducted prior to his sentencing date of May 3, 2004. Rowland's presentence packet⁴⁸ and report⁴⁹ contain detailed information in each of the above listed categories, as well as additional information.

4.2 Supervisory Standards and Procedures

Supervisory Standards for each of the offender levels and their accompanying requirements are listed below, in decreasing level from level "Intensive" to level "Low." Supervision is conducted by Parole Agents (also referred to as Parole Officers). The below information is a very brief overview of select elements from the Adult Probation and Parole Manual's *Standards of Supervision*. For complete information regarding all of the standards and instructions, refer to the complete manual.

Intensive Supervision Procedures:

A. Intensive supervision standards apply to probationers and parolees that have an assessment score that falls in the range of "Intensive" or have a supervisor-approved override.

B. Intensive Supervision requires:

1. two office visits per month;
2. two field contacts per month, one of which must be a successful face-to face at the offender's residence; and
3. a curfew, where applicable, shall apply:
 - a. phase I: 1900 hours to 0600 hours for the first 90 days.
 - b. phase II: 2100 hours to 0600 hours for the subsequent 60 days.
 - c. agents shall have discretion in applying curfew standards, especially for positive offender progress.

C. A reassessment should be completed after 120 days of community supervision.

High Supervision Procedures:

A. High supervision standards apply to probationers and parolees that have an assessment score that falls in the range of "High" or have a supervisor-approved override.

B. High Supervision requires:

1. an office visit every month;
2. field visit every month; and
3. a successful face-to-face residential contact with the offender every 60 days.

Moderate Supervision Procedures:

A. Moderate supervision standards apply to probationers and parolees that have an assessment score that falls in the range of "Moderate" or have a supervisor-approved override.

B. Supervision requires:

1. an office visit every month;
2. a field visit every other month; and
3. a successful face-to-face residential contact with the offender every 90 days.

C. When appropriate, agents may substitute an office visit with a face-to-face field visit, when items required by an office visit are reviewed.

Low Supervision Procedures:

- A. Low supervision standards apply to probationers and parolees who have an assessment score that falls in the range of "Low" or have a supervisor-approved override.
- B. Supervision requires a face-to-face office or field visit every 180 days.
- C. Supervision also requires a scheduled phone, email, mail-in, data entry or kiosk reporting (depending on availability) every 60 days.

Additionally, the guidelines give additional instruction in regards to sex offenders, as well as instruction on the ability to request score overrides, to higher or lower levels of supervision that are then approved or denied by a supervisor. Guidelines for sex offenders are as follows:

Procedure: Sex Offender Standards of Supervision

- A. The sex offender supervision standard applies to probationers and parolees convicted of a sex offense and under the jurisdiction of Adult Probation and Parole.
- B. An approved department assessment shall be completed on all sex offenders on supervision.
- C. Supervision of sex offenders should include:
 1. supervision at the high or intensive standard for 0-12 months.
 2. supervision at the moderate standard for 12 - 24 months.
 3. assessment scores outside of these standards shall require supervisory override as outlined in Section D of this policy.
 4. sex offender supervision shall comply with the Sex Offender Task Force, Treatment and Supervision Manual.
- D. A supervision standard may be reduced after 12 months of community supervision when:
 1. there have been no significant violations (particularly related to relapse prevention plans, unauthorized contact with children or the victim(s), possession of pornography or other unauthorized sexually stimulating material, or other high risk behaviors);
 2. the offender is in full compliance with treatment requirements and is progressing satisfactorily, as verified by an approved therapist;
 3. the offender is demonstrating consistent stability in the areas of employment and finances; and
 4. the offender is demonstrating compliance with their conditions of supervision.

Additionally, the guidelines allow for overrides to be requested by agents, in which they enter comments as to why they believe a given assessment score should be modified to a higher or lower level of supervision. This request is either approved or denied by a supervisor, and if approved, the supervisory standard is modified for that particular offender. Rowland, in his 2012 and 2013 assessments, showed an override score from "moderate" to "high."

The guidelines allow for the following circumstances to warrant a possible override:

- a. the offender is a convicted sex offender or other high risk offender;
- b. current offense(s) involves violence and/or the offender has a history of violence; or
- c. other events that may reduce/increase risk levels.⁵⁰

The reason for Rowland's override scores to "High" in 2012 and 2013 were based on his status as a sex offender.

Rowland was assessed as a "moderate" level offender via his most recent assessment, and would have been supervised according to the moderate supervision procedures and requirements listed above. Rowland's most recent score did not include an override request, and remained at "moderate." An overview of Rowland's supervisory history is documented in **Chapter 2.2** of this report, and shows six office visits and two field visits, as well as an attempted field visit in which there was no answer at Rowland's residence. AP&P stated Rowland's supervision was within the standard practice of AP&P supervision.

The supervision guidelines also outline instructions for all offenders and outline procedures for the initial agents to follow, including reviewing pre- or post-sentence investigation reports, conducting assessments, setting up initial meetings and visits, reviewing agreements, updating O-Track, implementing Case Action Plans (CAP), confirming and reviewing information, as well as additional follow up and instructions. A complete and detailed list of these can be seen by referring to the *Adult Probation and Parole Manual, Standards of Supervision*.

4.3 Supervisory Matrices

Adult Probation and Parole operates under standards from the Adult Probation and Parole Manual, as well as from the Adult Sentencing and Release Guidelines. These sources are comprised of many pages of instructions, tools, and matrices that outline the supervisory system as a whole. The information in this chapter and this report is a very brief overview of some of the tools and instructions used in this system that are believed to be pertinent to this review and incident. For a complete overview and understanding of the instructions, tools, and matrices, refer to the complete manuals and guidelines.⁵¹

When AP&P conducts enforcement action and imposes sanctions, Parole Agents can enforce violations in multiple categories, including *criminal violations* and *technical violations*. Criminal violations are violations that constitute criminal activity, such as drug possession or use, or other violations of state code. Technical violations are violations that may not constitute criminal conduct, but are violations of terms and conditions of parole or probation for a given offender. Examples of technical violations might be social media or chat room use, or alcohol consumption, which could be prohibited by special conditions or terms, depending on the initial offense of the offender or particular deviancies. The guidelines cited in this report from the Adult Sentencing and Release guidelines encompass both criminal and technical violations.

THE RESPONSE AND INCENTIVE MATRIX

The Utah Department of Corrections utilizes a *Response and Incentive Matrix*, based upon the Adult Sentencing and Release Guidelines. The Response and Incentive Matrix is one of the tools used for

supervision of offenders. The matrix incentivizes compliance for long term success and progress with a case action plan.

This matrix takes into account accomplishments and violations, offender risk levels, offender needs, relations to risk/need goals, response magnitude/proportionality, graduated incentives, supervision violation severity, graduated sanctions, and violation hearings. The matrix outlines specific responses, actions, and details in each of these categories to improve the likelihood of long term success. An overview of the process of this matrix is detailed below: (The cited tools can be found in the complete *Response and Incentive Matrix*)

1. Select accomplishment or violation (Tool 2A and 2B)
2. Offender risk & conduct level determines the response level (Tool 2B)
 - a. three levels for accomplishment & violation severity: low, medium, high
 - b. for accomplishments, each receives an incentive
 - c. for violations, highest level determines response, one per episode
3. Evaluate offender risk/need in relation to goal to determine response magnitude (Tool 3)
 - a. does the accomplishment or violation have a proximal (short term) or distal (long term) relationship to targeted goals / action steps in the case action plan?
 - b. response magnitude may increase, decrease or remain unchanged
4. Select appropriate incentive or sanction (Tool 4 and 5)
 - a. for incentives, the offender may choose within the available options
 - b. the level indicates approval process / decision making authority
 - i. low (level 1) = probation/parole officer
 - ii. medium (level 2) = P.O. with supervisor approval
 - iii. high (level 3) = P.O. w/supervisor & court/BOPP approval
 1. sanctions of 3 days jail (max 5 days in 30) require court/BOPP approval through expedited process
5. If a violation hearing is requested for technical violations, any recommendation for incarceration must follow graduated caps established by the Sentencing Commission. The parole agent may recommend that the Court or Board exceed the cap, but the recommendation must be from the list of allowable exceptions and must be supported.
 - a. 1st hearing = 0-30 days probation, or 0-60 days parole
 - b. 2nd hearing = 0-60 days probation, or 0-120 days parole
 - c. 3rd+ hearing = 0-90 days probation, or 0-180 days parole

DECISION MAKING AUTHORITY MATRIX

The Utah Adult Sentencing and Release Guidelines outline a tool used to determine the responding entity for violations of supervised probation and/or parole. The tool (matrix) compares the Offender Risk Level of High/Intensive, Moderate, and Low, against the Accomplishment or Violation level of High, Medium, or Low, and designates the appropriate responding entity, from the individual Parole Officer, to the Parole Officer with supervisor approval, or to the Board of Pardons and Parole (BOPP). The matrix is displayed below in figure 2:

TOOL 2 - DECISION-MAKING AUTHORITY MATRIX			
Accomplishment or Violation Level			
Offender Risk Level	High	Medium	Low
High/Intensive	Court/BOPP	P.O. w/Supervisor Approval	P.O. w/Supervisor Approval
Moderate	Court/BOPP	P.O. w/Supervisor Approval	Probation or Parole Officer
Low	Court/BOPP	Probation or Parole Officer	Probation or Parole Officer

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Offender Risk Level is determined from the results of a validated screening and assessment.

Accomplishment Level is listed in Tool 2A.

Violation Level is listed in Tool 2B.

Court/BOPP designates that notice must be provided to the Court/BOPP of the behavior. Lower level responses are always available to the Court/BOPP. Given the nature of public safety conditions violations, notification to the Court/BOPP is always required.

Figure 2

The offender risk level is calculated from the results of the screening assessments the offender undergoes. The accomplishment or violation level is determined from tool 2B, which has a list of violations and their accompanying level of offense. The complete tool 2B can be found in **Appendix C** of this report.⁵² Based on the results of the matrix, the appropriate response level will be determined and action can be taken based on tool 5 of the Adult Sentencing and Release Guidelines, with multiple options ranging from a verbal warning to 180 days of incarceration, based on the severity of offense and the appropriate responding entity. The responding entity has discretion within the matrix to administer sanctions. In addition to sanctions, a corresponding tool exists (Tool 2A) for incentives and accomplishments for offenders.

GRADUATED RESPONSES AND SANCTIONS

Sanctions that can be used for violations are outlined in Tool 5 of the Adult Sentencing and Release Guidelines. In reference to AP&P, the agents and supervisors have discretion to use a variety of sanctions that fall within their decision making authority based on Tool 2. The sanctions can be found below in the corresponding level or category on the right of figure 3. As violation level increases in the matrix, it ultimately can rise to the level of the Board of Pardons and Parole, or Court/BOPP as designated in figure 3. Specific offenses and categories that rise to the level of BOPP can be found in Tool 2B of the Adult Sentencing and Release Guidelines, and are also cited in **Chapter 5.2** of this report.

		Incarceration Caps	
		Probation	Parole
3 rd & Subseq. Revocation		45 (0-90)	90 (0-180)
2 nd Revocation		30 (0-60)	60 (0-120)
1 st Revocation		15 (0-30)	30 (0-60)
P.O. with Superv. & Court / BOPP Approval		(Maximum of 5 days/30 Days) 1-3 Days Jail Per Sanction	
P.O. with Supervisor Approval		Hearing Before Court/BOPP Community Correctional Center 90+ Days GPS/EM or at offender cost	
		Any Lower Level Response Request Court/BOPP Sanction <90 day Curfew <90 Day GPS/EM or no offender cost <72 Hours Home Restriction Treatment Resource Center <16 Hours Community Service	
Probation/Parole Officer Sanctions & Responses		Up to 60 Day Curfew Travel Restriction Structured Living Increased Supervision Require Change in Residence Revision of Case Action Plan Increased Reporting/Testing Community Accountability Board Workshops Assignments Family Meeting Problem Solving Report Mentoring Program Develop Risk Avoidance Plan Letter of Apology Thinking Report Verbal Warning	

Figure 3.

CHAPTER 5: UTAH BOARD OF PARDONS AND PAROLE

5.1 Adult Sentencing and Release Guidelines

The Utah Sentencing Commission releases and revises the Adult Sentencing and Release Guidelines. The Utah Sentencing Commission outlines their responsibility in the criminal justice system:

"The Utah State Legislature established the Utah Sentencing Commission in 1993. The Commission has the statutory responsibility to advise the Legislature, the Governor, and the Judicial Council regarding sentencing and release policy for adult and juvenile offenders. The Commission is also responsible to develop sentencing guidelines for adult and juvenile offenders"⁵³

The Utah Sentencing Commission has the following responsibilities:

- Publishes guidelines
- Advises all three branches of government on sentencing policy
- Conducts research
- Reviews and makes recommendations on legislation
- Tracks legislative changes to sentencing statutes
- Tracks judicial decisions related to sentencing issues
- Assists the legislature in the review and study of sentencing issues
- Conducts training and education throughout the state
- Responds to public comment and inquiries

Additionally, the commission states the outlined goals of criminal sentencing are as follows:

"The Commission promotes evidence-based sentencing policies that effectively address the three separate goals of criminal sentencing: Risk Management, Risk Reduction & Restitution."⁵⁴

The Utah Board of Pardons and Parole uses the Adult Sentencing and Release Guidelines as a primary guideline for their operations.

5.2 Utah Sentencing Matrices and Procedures Used by the Board of Pardons and Parole

The Adult Sentencing and Release Guidelines outline multiple matrices and guidelines for sentencing and imprisonment times based on type of crime as well as the background of the offender. Specific details on these guidelines can be found by referring to Forms 1-5 of the Adult Sentencing and Release Guidelines.⁵⁵

In conjunction with Tool 2 cited in **Chapter 4.4**, violations that rise to the level of the Board of Pardons and Parole can result in the following sanctions, shown in figure 4:

Incarceration Caps		
	Probation	Parole
3 rd & Subseq. Revocation	45 (0-90)	90 (0-180)
2 nd Revocation	30 (0-60)	60 (0-120)
1 st Revocation	15 (0-30)	30 (0-60)
P.O. with Superv. & Expedited Court / BOPP Approval	(Maximum of 5 days/30 Days) 1-3 Days Jail Per Sanction	
P.O. with Superv. & Court / BOPP Approval	Hearing Before Court/BOPP Community Correctional Center 90+ Days GPS/EM or at offender cost	

Figure 4.

Figure 4 shows the available sanctions to the Board of Pardons and Parole based on the Adult Sentencing and Release Guidelines. On a first revocation of parole, the offender can be incarcerated from 0-60 days. For a second revocation, that range expands to 0-120 days. For a third and subsequent revocation, the board can incarcerate the offender from 0-180 days. These guidelines can be exceeded for an offense or conduct if the Board finds an exception to incarceration caps (Found in Tool 6 of the Adult Sentencing and Release Guidelines); however, the board can only incarcerate until the date that the original sentence expires. Some of the reasons that qualify as exceptions to the caps are as follows:

1) Finding that conduct presents a substantial threat to public safety which cannot be addressed through behavior modification sanctions.

Substantial threats to public safety examples include:

A. "Per Se" Violations: e.g. dangerous weapons, fleeing via high speed chase, violent arrest behavior, new person crime allegations, high priority CCC walkways; or

B. "Crime of Commitment Dependent" Violations: e.g. sex offender in cycle, repeat DUI violations, person crime absconder.

2) Jurisdiction over new criminal conviction with new guideline recommendations from Forms 1-3 attached.

3) Revocation of parole for lying or engaging in criminal conduct prior to parole pursuant to 77-27-10(1)(b), including when offender engaged in criminal conduct prior to release and BOPP was unaware of conduct at the time it made decision to release; or offender lied prior to release and that lie led to BOPP decision to release.

4) Guilty and Mentally Ill compliance pursuant to 77-16a-205, including when the BOPP is required by statute to conduct a formal review of an offender who plead guilty and mentally ill before considering release. The time required to conduct this review could exceed the caps.

5) Parole Violation Hearing continued pursuant to Admin. Rule R671-204, including when new charges are pending; an evidentiary hearing is required; competency or mental illness needs of the offender; to allow victim participation; or offender requests continuance.

6) Rescission pursuant to Administrative Rule R671-310, including when the BOPP decides to rescind a parole date that was previously granted because offender engaged in major misconduct in prison or was convicted of further criminal conduct.⁵⁶

The Board of Pardons and Parole has the ability to impose incarceration sanctions based on violations presented to the Board. The Board can also however, within their discretion, recommend alternative behavioral sanctions as they see fit within the guidelines for a given offense.

5.3 Parole Board Hearings, Agreements, Warrants, and Revocations

HEARINGS

Parole Board Hearings are hearings before the Board to determine whether an inmate should be released from prison under parole supervision to complete the remainder of a sentence in the community. In the hearings, the Board takes into consideration aggravating and mitigating factors, as

well as events that have transpired during the time of incarceration (including treatments completed successfully and offender behavior) in order to make a determination. Parole Board hearings are set by rule, which are based on guidelines specific to certain types of crimes or offenses. These matrices include an assessment based on the guidelines to determine the time periods of incarceration prior to parole hearings. Specifics on these guidelines and matrices can be found by referring to Forms 1-5 in the Adult Sentencing and Release Guidelines.⁵⁷ The Board of Pardons and Parole summarized Rowland's hearing history:

July 22, 2005: Rowland's first parole hearing was July 22, 2005. The sentencing guideline suggested that Rowland should serve 43 months until December 11, 2007, but the Board found aggravating factors of multiple incidents, motive, extent of impact to the victim, and lack of a meaningful support system. The Board did not grant parole and ordered a re-hearing with a report from the sex offender treatment program.

May 25, 2010: At the next hearing, the Board did not grant parole and set another hearing. Rowland had been removed from sex offender treatment due to failure to make progress.

April 17, 2012: Rowland successfully completed sex offender treatment.

June 21, 2012: On June 21, 2012, the Board granted a parole date of July 17, 2012. The Board noted completion of thinking for a change, life skills, and IPP (Inmate Placement Program) recommended parole. Rowland was required to live in a Community Correctional Center (CCC) and in addition to the regular conditions of parole, the Board added sex offender conditions including a requirement to participate in treatment.

July 17, 2012 – September 4, 2012, Rowland's First Parole

September 4, 2012: On September 4, 2012, the Board issued a warrant based on allegations that Rowland failed to comply with sex offender registration requirements, possessed pornography, failed to participate in treatment, and failed to comply with his Parole Agent's request to search. Rowland was returned to prison on September 5, 2012.

October 3, 2012: The Board conducted a parole violation hearing on October 3, 2012, revoked parole, and granted a new parole date of September 3, 2013. The Board required Rowland to live in a Community Correctional Center and in addition to the regular conditions of parole, added special sex offender conditions and a requirement to complete the CCC sex offender program.

February 12, 2016: On February 12, 2016, the Board issued a warrant based on allegations that Rowland failed to complete sex offender treatment and absconded from parole supervision. Rowland was returned to prison on February 17, 2016.

March 30, 2016: On March 30, 2016, the Board conducted a parole violation hearing and revoked Rowland's parole. The parole violation guideline was 0-120 days, however, the Board found a public safety exception and decided that Rowland would serve the remainder of his sentence in prison until May 12, 2019. At that time the Board also noted that it would consider an earlier release if Rowland successfully completed sex offender treatment in the prison.

February 20, 2018: On February 20, 2018, the Board held a re-hearing and reviewed Rowland's progress including the completion of the sex offender treatment program. The board granted an earlier release date of April 17, 2018. Note: Any combination of incarceration and parole supervision must be completed within the limits of the sentence. Rowland's sentence expired May 12, 2019. If the Board held him until May 2019, by law he would have to be released with no parole supervision. Releasing Rowland in April of 2018 allowed a year of parole supervision.⁵⁸

AGREEMENTS

Parole agreements set forth the terms and conditions of the parole, and are signed by the offender to be paroled. Violations of these terms and conditions can result in sanctions that are enforced by either AP&P or the Board. The summary of violation enforcement and sanctions has been outlined in **Chapter 4** and **Chapter 5** of this report. Each time parole is granted, an agreement is signed and the offender is held to the terms and conditions of the agreement.

For qualifying violations, the Board can make decisions within their discretion and guidelines to revoke parole (for periods of time outlined in the guidelines) or can refer the offender to additional forms of alternative behavioral sanctions. Their decisions include consideration of the details and nature of the violation as well as the circumstances surrounding the given violation.

WARRANTS

Based on the severity of a violation committed by an offender, multiple courses of action can be taken. Parole Officer will do violation reports to the Board of Pardons and Parole, but the Parole Officer has discretion to do so based on the severity of the violation. The Parole Officer could impose their own sanctions such as a curfew, letter of apology, or drug test, and some violations could be considered major or minor depending on what the offender was originally convicted of.

For the major violations and the more severe end of the violation matrix, a Parole Officer can request a warrant from the Board. This warrant is issued for the arrest of the offender and ultimately, possible revocation of parole for the offender. These warrants are submitted to the Board with allegations of violations and statements of probable cause of those violations, written by the Parole Officer. The standard for evaluation of these warrants by the Board is probable cause by constitutional requirements under the Fourth Amendment.

If an arrest warrant is granted, it can be served by parole officers and the offender is taken into custody. Parole officers can initiate a 72 hour hold on offenders while they conduct an investigation and submit a warrant request to the Board.

REVOCATIONS

The Board can revoke parole within the guidelines set forth in the Adult Sentencing and Release Guidelines and according to their discretion. The entirety of these guidelines for revocation can be found in the Adult Sentencing and Release Guidelines, and a summary of the revocation process and procedure is outlined in **Chapter 5.2** of this report.

CHAPTER 6: PROBATION/PAROLE STATUS AND INFORMATION SHARING

6.1 Utah Bureau of Criminal Identification

The Utah Bureau of Criminal Identification, a division of the Utah Department of Public Safety, is responsible for multiple duties, including the following listed duties that are pertinent to this review:

- Entering, updating, and maintaining data in the Utah Computerized Criminal History (UCCH) file for all submitted criminal arrests and the outcome of these arrests
- Operating a 24x7x365 help line for all criminal justice agencies statewide and across the country
- Training on the Utah Criminal Justice Information System (UCJIS) files.
- Proficiency testing for all UCJIS users
- Auditing agencies for compliance with state and federal laws, rules, and guidelines
- Gathering and compiling of statewide statistics and producing the annual Crime in Utah (CIU) report⁵⁹

The Bureau of Criminal Identification logs all transactions into the Utah Criminal Justice Information System (UCJIS) through which queries are made to access specific information on individuals, such as driver license inquiries, criminal histories, O-Track data, and more. When inquiries are made into these databases, BCI maintains logs of these inquiries, including data on the agency, user ID, type of query, and additional data.

Investigators worked with BCI to determine the inquiries that were made into databases in reference to Rowland and his aliases.

6.2 The O-Track System

The O-Track system is the primary system used by the Department of Corrections to track and record offender records and information. O-Track is an offender management database. The system serves as a module in which Department of Corrections personnel can enter and access information about offenders. Some data elements in the O-Track system and database can be accessed via the Utah Criminal Justice Information System (UCJIS). Probation and parole information is stored within the O-Track system, and is provided to the user when an O-Track inquiry is made. The data for Rowland's parole status, as well as the information surrounding the parole status and correctional history, are stored and displayed through O-Track.

In Rowland's case, BCI inquiry log records⁶⁰ indicate an O-Track inquiry was made on Rowland via offender number by the user ID⁶¹ of a dispatcher at the University of Utah Police Department. That inquiry was made on October 13, 2018, logged with an inbound operation code of "queryByReferenceNumber". According to BCI, that inbound operation code represents a specific inquiry into O-Track by number, or a click-through action to view O-Track records. Further information and details on this inquiry made by the dispatcher is noted in **Chapter 6.3**, under *Melvin Rowland and the Notification System*.

While patrol officers generally have access to O-Track data via UCJIS, standard procedure for patrol officers typically does not include making an O-Track inquiry. Additionally, in speaking with University of Utah police, patrol officers are generally not familiar with O-Track systems and data.

6.3 Public Safety Alert Notification (PSAN) System

Following the shooting of Utah County Sheriff's Office Sergeant Cory Wride in January of 2014, implementations were made to facilitate the ability for officers to see that an offender was on probation or parole status, such as displaying probation or parole status alerts on a driver license inquiry. This

system would generate an alert or display on a driver license inquiry that would advise the inquirer of a probation or parole status.

After the 2016 shooting of Officer Doug Barney, the Public Safety Alert Notification (PSAN) system was implemented. The concept with the PSAN system was to provide the Department of Corrections notification that an inquiry had been made on an identifier associated with an offender. Prior to the PSAN system, when an offender had interactions with law enforcement or had inquiries made on their identifiers (Driver license, ID card, etc.) the Department of Corrections would only be made aware if the offender or agency told them of the interaction. If the offender, law enforcement agency, or any other agency did not report this contact or inquiry to AP&P, the Department of Corrections had no way of knowing and no feedback on these interactions and inquiries. The system was designed to provide transaction information back to the Department of Corrections when queries were made on offenders. When a query is made on a given identifier (that exists within the O-Track database), such as a driver license check on an offender, a transaction notification is sent to the Department of Corrections O-Track system, where it is logged.

With the implementation of this return information to the Department of Corrections/O-Track, it was discovered that massive transaction reports on various queries became overwhelming. The amount of transactions reported, any time an offender was queried, diluted the value of the notifications and inhibited the Department of Corrections from identifying transactions or interactions of relevance and concern. Many of the inquiries reported and logged via the PSAN system are not law enforcement contacts, and can be other checks such as employment background checks, driver license status inquiries, or records checks. These notifications are sent to a general log for the Department of Corrections and are generated any time an inquiry is run on any identifier associated with an offender in the database. For example, if an offender's driver license, or ID card is queried, notifications are generated and sent to the log. The Department of Corrections receives these transaction reports for any offenders that are listed in the database. The volume of these transactions in a given month is extremely large.

In the time period in 2018 in which Rowland was out on parole, the Department of Corrections log received 177,382 transaction notifications, representing all inquiries made on any of all offenders in the database. On a monthly basis, this averages to over 25,000 notifications per month for this time period. AP&P explained that while agents have access to this log, agency resources require prioritization of tasks in conjunction with other agency responsibilities. Reviewing all of these notifications would require extremely large amounts of time, and given that many of these notifications in the log are not law-enforcement contacts or actionable contacts, it falls to lower priority relative to tasks such as office visits, field contacts, and investigations. Processing these notifications would require individually reviewing all of the thousands of notifications, conducting follow up on each notification to determine the reason and circumstance for the inquiry and notification, and determining whether the inquiry is related to an actionable or law-enforcement related contact for the given offender.

In order to be notified of any significant law enforcement interactions with offenders, or actionable contacts, the Department of Corrections prioritized the alerts. AP&P agents receive emails and desktop alerts via O-Track that notify them of any arrests or citations made in connection with offenders they supervise. AP&P explained that they do review all of these notifications that generate an alert to the assigned agent, which are all contacts involving an arrest or a citation.

In Rowland's case, a notification was sent to the log on October 13, 2018, as a result of an inquiry on Rowland's criminal history by the University of Utah dispatch center. Rowland's transactions reported to the Department of Corrections log were among 18,988 other transactions reported to the log between October 1, 2018 and October 22, 2018. Inquiries made on Rowland's driver license did not generate PSAN notifications, as Rowland's driver license number did not exist in the O-Track database.⁶²

BASIC TECHNICAL OVERVIEW OF THE PSAN SYSTEM

The PSAN system works by sending notifications when inquiries are made on identifiers that have been entered into the PSAN database. The Department of Corrections enters identifiers and information on offenders into the database, which updates on a real-time basis. This information, entered into O-Track, is forwarded to the Department of Public Safety (DPS) Service Bus, a state server that facilitates the transmission of information, which adds the information to the PSAN database. The records added to the database via O-Track are registered by the following identification types:

- Criminal State ID (SID)
- Driver License Number
- Identification Number
- Social Security Number
- FBI Number

Identifiers are stored in the database, and notifications are sent to the O-Track system (to Department of Corrections) when the following activity happens:

- Driver License Queries
- Citation Submissions
- Criminal History Queries
- Arrest Bookings

When one of the above actions is made on an identifier that exists in the PSAN database, a notification is generated and sent to O-Track. These input queries are facilitated through the DPS Service Bus, which generates notifications to O-Track via the LEWIS system [a sub server]. The PSAN notifications are logged in O-Track, and the arrest or citation notifications generate a desktop alert and email to AP&P agents.⁶³

A diagram of the PSAN System can be seen in *Appendix B* of this report.

BASIC OVERVIEW OF THE PAROLE/PROBATION INFORMATION SHARING TO LAW ENFORCEMENT

Probation or parole information is shown to officers via inquiries made through Record Management Systems (RMS) systems, such as Fatpot or Spillman RMS systems. This information is shown upon request to vendor RMS systems as part of the Driver License Query Response.

Parole and probation information is also shown upon request in the UCJIS web application as part of the Driver License Query, OTRK Query, and Multi-Inquiry Query Responses.

When an identifier is queried via a vendor RMS system, an alert is shown to officers if the given identifier queried exists in the database in association with an offender currently on probation or parole status.

A diagram of this system and information flow can be seen in *Appendix B* of this report.

6.4 National Crime Information Center (NCIC) and National Law Enforcement Telecommunications System Information

The National Crime Information Center (NCIC), maintains a database that consists of 21 file types, including property files such as stolen articles, guns, license plates, and persons files such as wanted persons, missing persons, protection orders, and sex offenders, among others. NCIC files can be accessed by law enforcement officers, who submit a query. The Interstate Identification Index (III), which contains automated criminal history record information, is accessible through the same network as NCIC⁶⁴.

The National Law Enforcement Telecommunications System (NLETS) is a network that facilitates the sharing of information between states. It serves as an interface to search criminal and driver records between states.

Law enforcement officers can access information within NCIC and NLETS via queries for information.

6.5 Probation / Parole Information and Criminal History Records

Prior to May 2018, Utah Criminal History records on individuals included probation or parole status for individuals that were currently on probation or parole. This information was displayed and included on the Utah Criminal History records that could be accessed in criminal history inquiries.

In June, 2015, The Federal Bureau of Investigation conducted a National Identity Services Audit Report⁶⁵, in which it evaluated compliance with policy requirements associated with access to criminal justice information systems and information. The audit found the practice of including probation/parole information on Utah criminal history reports to be out of compliance. The audit cited the fact that the Bureau of Criminal Identification (BCI) received custody data from the Utah Department of Corrections, and that while BCI linked the custody data to the state record, the custody data was not forwarded to the FBI for inclusion in the III (Interstate Identification Index – criminal history). The fact that custody data was only appended to state records, and not shared with the FBI to be shared with other states and entities caused the status to be out of compliance. Investigators spoke with representatives from BCI, who stated that BCI did not share the custody data with outside agencies because BCI was not the owners of that data. In order to comply with the audit process and compliance status, BCI removed probation / parole information from Utah criminal history reports in May 2018.

6.6 Systems and Software Used for Inquiries

The primary source used for inquiries is the Utah Criminal Justice Information System (UCJIS). This system can be accessed via an online portal with an account. Through the UCJIS online portal, users can select specific inquiries to run, or can run a multiple inquiry, which queries into multiple databases.

In addition to the UCJIS online portal, many agencies use additional Record Management Systems (RMS), software programs such as Fatpot or Spillman systems. These programs serve as an interface, though the inquiries still go through servers and are logged by BCI. These systems however, can have

different parameters and different databases that can be selected by the end users to specify which databases are queried. These parameters can vary from system to system.

The University of Utah Police Department uses the Spillman RMS system for patrol officers; the university dispatch center uses both the UCJIS system and Spillman system, and inquiries are double run through both systems. Investigators spoke with a dispatch supervisor at the University of Utah Police dispatch center, who advised us on the standard procedures. Dispatchers have access to the UCJIS search options, such as warrants, driver license, criminal history, registrations, III, as well as O-Track. The Patrol officers through Spillman have access to local inquiries as well as National Crime Information Center (NCIC) inquiries. Patrol officers could also access individual or multiple inquiries, including O-Track, directly through the UCJIS online system. For patrol officers, it may not be standard practice to run inquiries directly through UCJIS when they have other systems such as Spillman. For most law enforcement agencies, patrol officers run inquiries through their own RMS systems, such as Spillman.

6.7 Rowland and the Notification Systems

At the time Melvin Rowland was entered into the O-Track system by the Department of Corrections, one of the identifiers used was an ID card number. A query on that ID card would return a status of probation/parole for Rowland. An inquiry on any identifier not specifically entered into the O-Track system (existing in the database) in connection with the probation/parole status would not return with a probation/parole status on the display via a Driver License Query Response. An inquiry was run on Rowland's driver license on October 13 and October 14, 2018, by the University of Utah Police Department, but did not return with a probation/parole status because that identifier was not one used when entered into the O-Track system (thus did not exist in the database), and the identifiers (ID card and driver license, for example) do not share information or run inquiries to find other personal identifiers with probation/parole status within the O-Track system. Only an inquiry on the specific identifiers that were entered into O-Track and exist in the database return the probation/parole status. Additionally, these inquiries made on Rowland's driver license on October 13 and October 14 did not generate PSAN notifications to the Department of Corrections log, because Rowland's driver license was not an identifier found in the database.

Rowland's parole status and accompanying information was recorded and stored within the O-Track system. Investigators reviewed BCI logs of inquiries made into Melvin Rowland, including those specifically made on Rowland's offender number, which is generated through the Department of Corrections and is an O-Track identifier. A BCI log of inquiries made on Rowland's offender number showed that an inquiry was made directly into the O-Track system on October 13, 2018, by the user ID of a dispatcher at the University of Utah Police Department. This inquiry showed that the dispatcher's ID accessed Rowland's O-Track record. The operation identifier shown in the BCI records was "queryByReferenceNumber". BCI personnel explained that the "queryByReferenceNumber" operation is logged as a result of one of two functions – the first being that Rowland's specific offender number was typed into the data field with the O-Track search code [Otrk], or that Rowland's offender number was clicked on under the O-Track data tab, when the O-Track data tab is returned as part of a multiple inquiry. Both of these actions result in the O-Track record and files being displayed to the user.

Multiple Inquiry requests return a variety of records when the inquiries are made, which are displayed as tabs that can be selected. These records returned include things such as driver license data, statewide warrant information, NCIC (National Crime Information Center) query, motor vehicle data, O-Track

records, and protective order information. These tabs can be selected and additional information can be displayed via click-through links. When the user clicks through the displayed links (typically person names or number identifiers) the system sends specific inquiry requests and the data for that tab is displayed to the user. This action also results in the query being logged in BCI records, with the ID of the user that made the query.

Investigators spoke with the University of Utah dispatcher whose ID was logged in the BCI data showing access to Rowland's O-Track records. The dispatcher had been employed by the University of Utah for approximately one month at that time and was on training. She recounted that the police officer came in to seek a criminal history on Rowland, and that she, her supervisor, and the officer were present at dispatch when the inquiries were made on October 13. She stated they had to try to identify the individual involved, and ran several names to try to locate the proper record. Ultimately they found Rowland's records, which they confirmed with photo and other information. She stated that ultimately the proper records were found using Rowland's driver license number for a multiple inquiry request. From the multiple inquiry returns, BCI records show the dispatcher accessed the following records: Driver License Details, Criminal History, Warrants by person, and O-track.

Investigators asked the dispatcher if she noticed Rowland's parole status in the O-Track record that was accessed, and she stated she did not. The dispatcher stated that she had not run nor seen any O-Track records before and that instance was one of the first times accessing O-Track or NCIC databases. BCI data shows that Rowland's O-Track record was accessed and displayed but does not show further details about what information within the O-Track record was viewed or accessed.

The dispatcher stated that her trainer was thorough, and believes that if they had seen the parole status, they would have shared it with officers. She was not aware of any specific policy that mandated the disclosure of probation or parole status by dispatch to officers, but stated she believed it would be important information to share.

No O-Track inquiries prior to October 22, 2018, were noted in BCI logs by any of the officers or detectives involved in the investigation.

Rowland's Utah criminal history was accessed and viewed as part of the inquiries made by University of Utah Police, but Rowland's probation/parole information was not displayed on the criminal history; all probation/parole information was removed from Utah criminal history reports in May 2018, in order to be in compliance with an FBI audit.

When inquiries were made on Rowland's driver license, a notification was sent to the Department of Corrections database logs that an inquiry had been made on his driver license. The inquiry however, did not generate an email or desktop notification, as the system generates emails and desktop notifications on arrests or citations. The PSAN system information to O-Track returns several thousand query reports per week to the DOC/O-Track database. These reports to the system are comprised of all inquiries made on identifiers of individuals in the database. Only arrest or citation reports generate emails or desktop notifications. Rowland's AP&P agent stated they never received any [desktop/email] notifications regarding Rowland, which is consistent with Rowland's history, as he had no arrests or citations during that time that would have generated a notification.⁶⁶

7.1 University of Utah Police Department Investigations and Cases

The University of Utah Police Department provided information in regards to their investigations and timeline of events leading up to the homicide on October 22, 2018. The below information summarizes the events with security services, as well as the investigative cases of harassing messages and extortion. The below information is a summary of the cases and involvements provided by the University of Utah Police Department.

CAMPUS SECURITY SERVICES INVOLVEMENTS

October 10, 2018, 15:01 hrs: The University of Utah dispatch took a call from Lauren McCluskey's mother, in which she expressed concerns and worry about a situation in which her daughter [Lauren McCluskey] would be retrieving a vehicle from Rowland. Lauren McCluskey had just broken up with Rowland, and Rowland was in possession of her car. Lauren's mother expressed that she was worried Lauren would go to pick up the vehicle alone and someone would hurt her, stated that Lauren's ex-boyfriend [Rowland] was dangerous, and explained that the ex-boyfriend [Rowland] had lied to her and deceived her. Dispatch stated they would contact Lauren and assist with a security escort to pick up the vehicle.

Investigators spoke with Lauren McCluskey's mother, who stated that the fact that Rowland had deceived Lauren and lied to her about multiple things, and that he had a criminal history as a sex offender, indicated to her that Rowland was dangerous and caused her to fear and worry for her daughter.

October 10, 2018, 15:04 hrs: The dispatcher that spoke with Lauren's mother contacted Lauren regarding the arrangements to pick up the vehicle. Lauren told the dispatcher she thought the car would be dropped off by one of Rowland's friends. She told the dispatcher at first she thought the car would be dropped off at the stadium, but she then believed it would be dropped off at her house, possibly near one of the buildings. The dispatcher offered for Lauren to come to the police department for the vehicle drop to be made, which Lauren declined. The dispatcher stated she would send a security officer to the area during the time the drop was made, just in case anything was needed.

October 10, 2018, 15:10 hrs: The dispatcher called Lauren's mother back and updated her that she had contacted Lauren and had given her several options. The dispatcher advised that Lauren would call her back when she was ready.

October 10, 2018 – 15:15 hrs: The dispatcher had Campus 112 call into dispatch, advises of the situation with Lauren and that she will call back; at this point she only wanted security to be in the area.

October 10, 2018 – 15:25 hrs: Lauren called back to police dispatch stating there had been a change of plans. She requested a security guard to pick her up at her dorm and drive her to the stadium lot to pick up her vehicle.

October 10, 2018 – 15:37 hrs: Lauren's mother called into dispatch asking if Lauren had called and advised of the change in picking up the vehicle. Lauren's mother was advised that a security officer would be picking up Lauren at her dorm, driving her to the stadium, and waiting for her to leave safely.

October 10, 2018 – 15:56 hrs: Security was advised of the new plan to assist Lauren in picking up her vehicle.

October 10, 2018 – 16:58 hrs: Lauren called police dispatch asking for assistance in picking up her vehicle from the stadium, Campus 112 was sent to pick up Lauren and transport her to her vehicle. Security made sure she was safe and had left the parking lot before clearing the call.

October 10, 2018 – 17:44 hrs: Lauren's mother called into dispatch and was advised that Lauren had picked up her vehicle safely with security.

REPORT OF CONCERNING TEXT MESSAGES

The University of Utah initially took a police report from Lauren McCluskey on October 12, 2018, in which she reported she was receiving concerning text messages from various unknown numbers.

October 12, 2018 – approximately 16:25 hrs: Lauren McCluskey contacted dispatch to report concerning text messages she had been receiving. An officer⁶⁷ was dispatched to take a phone report for the incident. The officer contacted Lauren, who reported that from Oct. 11, 2018, at approximately 19:00 hours to Oct. 12, 2018, at approximately 15:00 hours, she had been receiving concerning text messages from some of her ex-boyfriend's (Rowland's) friends. McCluskey told the officer she had broken up with Rowland on Oct. 9 and that she believed the texts might be due to the friends being upset about the breakup. McCluskey stated no threats had been made, but they had stated that Rowland died and it was McCluskey's fault. McCluskey stated she had heard from Rowland since the time the messages said he was dead, and that he had posted a recent picture of himself. McCluskey stated she did not believe Rowland was dead, but thought his friends might be trying to lure her into a trap for some reason. The officer advised that without threats or anything criminal in nature, there was not much that could be done. He advised her to tell them to stop contacting her before it would become harassment. The officer also advised her not to meet up with the friends.

REPORT OF EXTORTION

October 13, 2018: McCluskey called police back with a report of different messages and circumstances, this time reporting that she received extorting messages. A different officer⁶⁸ was dispatched to contact McCluskey by telephone to take this report. The officer contacted McCluskey, who stated that she had called the day before to report concerning text messages she had received. The officer located Rowland through the Utah driver license database and confirmed his description with McCluskey. McCluskey reported receiving an email that morning stating that if she wanted to protect her image to contact them. The email stated that if she called the cops the images would become public. McCluskey received a text message from an unknown number to accept a message [REDACTED] The conversation demanded \$1000.00 to delete the pictures. [REDACTED]
[REDACTED]
[REDACTED]

McCluskey told the officer about how she met Rowland and their background, including the break up. The officer had Lauren email him screenshots of the conversations and messages. The officer ran a criminal history on Rowland and forwarded the case to detectives.

A detective⁶⁹ was contacted by phone and coordinated with the officer to obtain additional information and they conversed regarding the details of the case. The detective coordinated with a supervising officer and the initial officer to meet with McCluskey at the police department to gain further details. McCluskey filled out a statement and provided details to the officers, which were passed to the detective. It was discovered that after the initial request for \$1000 had been sent and made, an additional request for \$1000 was made to not send the compromising photos out. The detective contacted the detective sergeant and advised him of the information received. The detective also advised that due to the multiple names, accounts, and phone numbers associated with the extortion that it was unable to be determined if it was Rowland or another party committing the extortion. The detective advised that the communications and transactions would need to be reviewed, and investigative subpoenas would need to be sent out to gain additional information on the suspect or suspects.

October 16, 2018: The detective returned to work from scheduled days off and reviewed the emails, screenshots, and conversations provided by McCluskey. McCluskey had provided screenshots and information on the persons and phone numbers she had received in the extortion.

October 19, 2018: The detective contacted McCluskey by telephone and obtained additional details regarding the case, as well as McCluskey's background with Rowland. McCluskey stated that she believed the person extorting her money was Rowland, because one of the photographs sent to her was one she had taken with Rowland. McCluskey also stated she had received a phone call from Rowland from an unfamiliar number, and that she recognized his voice and ended the conversation. The detective advised that due to the multiple phone numbers, email accounts, and names associated with the messages that investigative subpoenas would need to be obtained and sent to the different entities. The detective advised that the process takes some time to complete and is not immediate, and advised McCluskey to contact dispatch if she received any additional messages for money, messages to meet her somewhere, or any threats of physical harm or violence.

October 22, 2018: On October 22, 2018, McCluskey received a text message from an unknown number, claiming to be the Deputy Chief at the University of Utah Police Department, which requested that she come to the police office for a meeting. McCluskey forwarded this message to police.

INCIDENT RESPONSE

On October 22, 2018, University of Utah Police responded to the assault and homicide of McCluskey and dispatched resources to identify and apprehend the suspect. The University Police identified Rowland (who was later discovered with a self-inflicted gunshot wound), and conducted an investigation into the homicide and incident.

In the follow up investigation to the incident, several women saw media reports of the incident and came forward to the University of Utah Police and stated they had dated or had been involved with Rowland in the past. Investigators spoke with the University of Utah Police regarding these individuals. University Police advised they had interviewed the women who came forward, and confirmed that none of those women had gone to police prior to them coming forward after the incident, and that none of them had reported crimes involving Rowland.

As part of their investigation, University of Utah Police seized Rowland's cellular phone. Due to the encryption on the phone, it was unable to be accessed at the time of this report.

7.2 Salt Lake City Police Department (SLCPD) Cases and Information

NOTABLE SLCPD INVOLVEMENTS

Rowland showed several notable involvements with the Salt Lake City Police Department, all from the year 2015 and prior. The significant involvements are as follows:

March 26, 2015: Salt Lake City Police responded to reports of a burglary, in which the victim reported that her television, DVD player, and coffee maker were missing from her room. It was noted that the officer took a report in February of 2015 in which the same victim stated her ex-boyfriend, Melvin Rowland had taken her television and DVD player. In this instance, the victim told the officer that those items taken in February had been returned, along with her residence key, and she had changed the locks. In this incident, the screen was removed from the bedroom window and a dowel was removed from the track. The victim stated Rowland had entered her apartment in the past using the same method. The Crime Lab responded to take fingerprints at the scene. A later report indicated there was no evidence to indicate the listed suspect Melvin Rowland took the victim's television and DVD player. It was noted that if the fingerprints match the listed suspect, it was a moot issue as he had been in the residence as her boyfriend. The case was then closed.

October 31, 2015: The Salt Lake City Police Department handled the accident case documented in **Chapter 2.1** of this report, under *Second Parole and Revocation*, in which Rowland was involved in a hit and run crash and jumped in a good Samaritan's car to take him home. This incident was cited in the initial warrant from AP&P to the Board, in which the Board responded that the elements did not constitute probable cause and instructed the Parole Agent to await the filing of criminal charges. Reports and investigation on this incident were completed by SLCPD. In their documentation, officers conferred with the Salt Lake County District Attorneys, who indicated they did not feel the elements in the case rose to the level of kidnapping. The good Samaritan in the case stated to police that he did not wish to press any charges regarding criminal mischief for the damage to his car.⁷²

ADDITIONAL DISCOVERED INFO ON ROWLAND

The University of Utah Police told investigators that Rowland's [REDACTED] was under the name of [REDACTED]. It does not appear AP&P was aware of this name, and over the course of his interactions, Rowland used multiple names and combinations of names that he would present as his own.

In an interview on December 6, 2018, with an individual⁷³ who gave Rowland rides to work on occasion, it was discovered that Rowland's moniker at work [REDACTED] was [REDACTED], and he often used the last name of [REDACTED] in conjunction with that moniker. Investigators ran a records search using the alias [REDACTED] and discovered a report from Salt Lake City Police in which a woman had reported the following incident:

July 26, 2018: A woman contacted police to report that a male would not leave her alone. They had met at a local bar and proceeded to go on one date. After the date, the woman told him she was not interested in seeing him again. Over several months, he continued to contact her via [REDACTED] [REDACTED] and telephone. He would send poems and things of that nature. She reported to the officers that he told her his name was [REDACTED], but that all of his [REDACTED] profiles said [REDACTED]. She gave the officer the phone number she had for the male, and when the officer called the number, the voicemail said it was [REDACTED]. The officer told the woman that the case did not appear to be criminal at that time.

Rowland had several instances in which he switched cell phones, including an instance with his Parole Officer in which he texted his Parole Officer and said he lost his phone and got a new one. Additionally, the University of Utah Police investigation noted multiple numbers associated with communications from Rowland. An assessment of the methods and interactions used by Rowland suggest he was using many names and combinations of names, both to conceal his true identity from women and to hide his unapproved behavior (such as use of social media, etc.). The above cited report from July 26, 2018, was reported to police, but appears in the database as a complaint against [REDACTED], and never appears to have been connected with Rowland due to his use of false names and aliases. It appears he was operating [REDACTED] and social media accounts under false names and aliases.

INTERVIEW WITH AN ASSOCIATE OF ROWLAND'S EX-GIRLFRIEND

On October 29, 2018, Investigators met with an individual that was an Associate⁷⁴ of Rowland's ex-girlfriend. Rowland's ex-girlfriend and Rowland had a son together, and after hearing about the shooting at the University of Utah [murder of Lauren McCluskey], Rowland's ex-girlfriend contacted her Associate from work and shared information. This Associate contacted one of her friends, the wife of a SLCPD detective.

When meeting with the detective and his wife, they explained that the Associate had approached them with information regarding the shooting that had taken place at the U of U, with some background information from one of her co-workers [Rowland's ex-girlfriend]. The Associate wanted to speak with the SLCPD detective, knowing that he was an investigator and that she trusted him. The SLCPD detective contacted DPS, knowing that the State Bureau of Investigation was conducting a review of the incident. The detective and his wife were also present during the meeting and interview with the Associate.

The Associate stated that she had worked at the University of Utah, before moving to a different location. She stated the information she obtained was from a co-worker (Rowland's ex-girlfriend⁷⁵) at the University of Utah. The Associate stated that while working at the University of Utah, she was approached by Rowland's ex-girlfriend to request help with a cease and desist letter. She said the ex-girlfriend told her that she and Rowland had an off-and-on relationship and that Rowland had harassed her and was coming to her apartment and banging on windows. She said the police came at that time, and Rowland got his belongings and left. She said the ex-girlfriend and Rowland had a son together, so she did not want to cut Rowland off entirely. The ex-girlfriend reported Rowland had become a

nuisance, texting, calling, and showing up places. The Associate said she had wrote a formal letter on letterhead and sent it directly to Rowland's parole officer (The approximate date of this letter would have most likely been in 2014 or 2015).

The Associate said she was again contacted by Rowland's ex-girlfriend in April of 2018, who reported that Rowland was at it again. She stated they sent another letter to Rowland's Parole Officer (This letter would have been to Rowland's most recent/current Parole Officer). The Associate said the Parole Officer left a message for her at work, and she asked the ex-girlfriend if she would like her [the Associate] to call the Parole Officer back. The ex-girlfriend stated no, that she herself would call the officer back. After the shooting at the University of Utah campus [murder of Lauren McCluskey], the Associate received messages from the ex-girlfriend, with comments critical of the parole officer and said that she had left many messages for his Parole Officer, and stated that when she reported Rowland's behavior, the Parole Officer made her feel like it was her fault that he was behaving the way he was. She said she then stopped calling the Parole Officer and had the Associate do the letter. The ex-girlfriend said the Parole Officer asked her what she wanted to be done, and she told the Officer to have him stop harassing her. The Associate stated she did not have a copy of the first letter she sent, outlining the calling, harassing, stalking, and that they had a right to be free of such behavior. She stated the letters were on their official organization letterhead. She said the first letter was sent either the first or second year she worked at the office; the Associate started at the office in 2014. She stated the second letter was sent in April of 2018. The Associate provided a copy of the second letter to investigators. The second cease and desist letter was addressed to Rowland, stated that the letter was a cease and desist order to stop any contact, and that the ex-girlfriend and her son had a right to be free from activities such as harassment and stalking. The letter stated they would access legal assistance if the behavior continued, and stated a copy of the letter would be sent to Rowland's parole officer.

Investigators asked the Associate if she received any reports or heard anything in regards to inappropriate connections or relationships between Rowland and the Parole Officer, and she replied "No." The Associate stated she also asked the ex-girlfriend, who she reported had not heard that either.

FOLLOW UP ON INFORMATION RECEIVED IN INTERVIEW WITH THE ASSOCIATE

Investigators twice attempted to speak with Rowland's ex-girlfriend that had spoken with the Associate, in order to obtain more details regarding the nature of Rowland's behavior towards her, as well as information regarding her communications and interactions with Rowland's AP&P agent. In both times, through the office staff where she worked, the ex-girlfriend declined to meet or speak with investigators. Investigators contacted the Associate and asked if she would reach out to the ex-girlfriend to see if she would meet with investigators. The Associate replied that she had contacted the ex-girlfriend by text, and that she said she would be willing to meet. When attempting to schedule the meeting, the Associate replied that the ex-girlfriend had changed her mind and did not want to meet or speak to investigators regarding her experiences. A Department of Public Safety Victim Advocate attempted to reach out to the ex-girlfriend, and received no responses.

Due to the fact that Rowland's ex-girlfriend declined to speak with investigators, Investigators were unable to determine the details and nature of the calling, harassment, and stalking that she reported to AP&P and in the letter sent by the Associate. It is unknown if this contact was related to Rowland's access to his son, as some information from Rowland's history indicates he was dealing with issues regarding his son, his son's mother, and custody/visitation of his son. No specific custody agreements or information were noted regarding their son, or Rowland's access to their son. Investigators noted 70

visits were made by Rowland's ex-girlfriend to him while he was in prison between June 2016 and December 2017 (many of those in which she brought their son). Investigators were unable to determine the standard frequency of their interactions regarding them or their son while Rowland was out on Parole. Investigators were also unable to determine any other details regarding their relationship and history without being able to speak to Rowland's ex-girlfriend.

In the initial call, when the SLCPD detective and his wife advised Investigators that the Associate had information, it was mentioned that someone had alleged an inappropriate relationship between Rowland and his Parole Officer. Upon review of the Parole Agent's cellular phone and an interview with the agent as part of the investigation, no indications or evidence of an inappropriate relationship or inappropriate behavior was discovered.

Investigators met with the Parole Officer assigned to Rowland's case. In the course of the interview, the agent described the letter that AP&P had received from the Associate. The Parole Agent stated that they received that letter and took it to a supervisor, who explained that it was not a legal document for action to be taken. The Parole Agent stated they addressed the letter with Rowland, and called back the University of Utah office that had sent the letter. The Parole Agent stated they left a message at the University of Utah office. Investigators confirmed that a message was left at that office. The Parole Agent stated they did speak with the ex-girlfriend, and explained she needed to do these things formally, and that the letter was not a legal document. When asked if the ex-girlfriend was receptive in that conversation, the Parole Officer said that she was. The AP&P agent recalled from their conversation that the ex-girlfriend told her Rowland was harassing her. When asked if the agent remembered the type or details of the harassment that was expressed by the ex-girlfriend, the agent said if it would have been anything threatening or that would have made the ex-girlfriend feel unsafe, the agent would have called Rowland in immediately. If it were something regarding frequent calling or texting, the agent would have told Rowland that they need to not communicate about their relationship, but about being parents. The agent said if there would have been anything about threats or anything safety related, it would have been addressed with an office visit. The agent recalled the ex-girlfriend wanted distance in regards to communication with Rowland.

When asked by investigators if there was any reason or person that might allege an inappropriate relationship with Rowland, the Parole Agent stated there was no inappropriate relationship and that they did not know who might say that. Investigators did not at any time receive a name of any source that made that allegation.

7.3 Audio Recordings and Dispatch Information

Salt Lake City Police Department dispatch received two calls from Lauren McCluskey, one on October 13, 2018, and one on October 19, 2018. A brief overview of the calls is listed below:

October 13, 2018: McCluskey called SLCPD dispatch and advised them that she had been blackmailed for money with compromising photos. The dispatcher confirmed her location and that she had reported the case to University Police. McCluskey explained that she had already reported it to them, but was concerned and wasn't sure how long it would take to make an arrest. The dispatcher confirmed McCluskey had a case number and transferred the call to University of Utah dispatch. McCluskey was later referred by U of U dispatch to an officer, after inquiring about a time frame that an arrest would be made.

October 19, 2018: McCluskey contacted SLCPD dispatch and told them she had been working with the University of Utah Police but had not received an update. She told the dispatcher that someone who was harassing her contacted her and said they [the involved parties] know everything about the police [investigation]. She stated that she hadn't been updated and nothing had been done and that she was still being harassed and extorted. The dispatcher confirmed that McCluskey had reported it to University Police, and asked what prompted her to contact SLCPD. McCluskey told the dispatcher that there are people who knew about the entire case and that the harasser seemed to know more about the case than her, and she was concerned that there might be an insider who was letting them know about the case. McCluskey said it had been a week and she had not gotten an update. The dispatcher advised her to contact campus police and speak to her detective or a detective supervisor. The dispatcher advised McCluskey to tell the detective what she told her about the info getting through to the suspects. The dispatcher gave some concluding instructions about locations and jurisdiction and the call was concluded.⁷⁶

* Through the course of the investigation, after the incident, it is believed that McCluskey had given Rowland information and access to her email, computer, and accounts. It is believed that Rowland was seeing information she was emailing to officers and detectives regarding the case.

A diagram showing the paths of communications between the primary parties of this investigation is shown in **Appendix A** of this report, and is provided as a visual aid to assist in understanding the parties and information involved.

7.4 Department of Occupational and Professional Licensing (DOPL) Reports

The Department of Occupational and Professional Licensing (DOPL) is one of seven agencies within the Utah Department of Commerce. DOPL is legislatively charged to administer and enforce specific laws related to the licensing and regulation of certain occupations and professions.⁷⁷

On October 11, 2018, DOPL received an online complaint of an unlicensed practice, The Black Diamond Security Group (BDSG). DOPL opened and conducted an investigation into the security company, which was discovered to be operated by one individual who had set up an LLC for Black Diamond Security Group. This individual had not obtained nor operated under the required licensing for a security company. DOPL verified that at its largest size, BDSG had 4 employees. Melvin Rowland was one of these employees, who was employed for a brief period of time, including the time that BDSG operated the contract with the London Belle bar.

Rowland was hired under the name of [REDACTED] and did not undergo a background check, as the owner and operator of BDSG did not have the appropriate licensing, nor operate under the required parameters to meet licensing requirements. Rowland worked several shifts at the London Belle bar. Rowland did not report this employment to AP&P.

In the course of the investigation, DOPL issued a cease and desist order to BDSG, and an administrative citation on October 25, 2018. The citation issued was for unlawful conduct (unlicensed security company). BDSG had no active contracts at the time and complied with the order and citation.⁷⁸

8.1 Potential violations committed by Rowland

Rowland had a positive drug test and admission to the use of marijuana on August 15, 2018. This was Rowland's first positive drug test during the time of his parole; Rowland did not have a history of substance abuse or drug use in his criminal history, and did not have positive tests prior to the August 2018 test during his third parole. The positive test qualifies as a "medium" violation on the Supervision Violations Table (Tool 2B – *Adult Sentencing and Release Guidelines*), and Rowland was a "moderate" risk offender. A medium violation for a moderate risk offender falls under the supervisory authority of the Parole Officer with supervisor approval. Under the Graduated Responses and Sanctions (Tool 5 – *Adult Sentencing and Release Guidelines*), a Parole Officer would have discretion to administer a sanction in the range of a verbal warning, up to a hearing before the Court/Board of Pardons and Parole. In Rowland's case, the Parole Officer verbally addressed the violation with Rowland at an office meeting. AP&P explained to investigators that is a common response within the current suggested guidelines for an offender that does not have a history of substance abuse or special conditions regarding substance abuse, and has the positive test as a first offense. The outlines, tables, and matrices suggest a graduated response to sanctions and incentives. They stated that subsequent positive tests (additional violations) would likely result in higher sanctions, or a referral to the Board depending on circumstances.

Rowland was accessing and using social media. Rowland had use of multiple types of social media and communications apps. Through the course of the investigation, it appears none of these were known to AP&P or other officers. Rowland used a number of false names and aliases, and it appears that his social media accounts were all listed under aliases and false names. Rowland's [REDACTED] accounts were listed under the name [REDACTED] and it is not believed that all of Rowland's aliases have been identified. The name [REDACTED], in conjunction with multiple different and varied last names, as well as multiple combinations and spellings of [REDACTED], with various last names, were regularly used by Rowland to identify himself. It is also believed that Rowland used multiple devices and sources to access social media, as his phone examinations and searches by AP&P did not have social media violations. Multiple phone numbers were associated with Rowland, and it appears historically that he frequently changed phone numbers and devices. It is speculative, but possible Rowland maintained a "clean" phone for use, contact, and inspection with AP&P, and hid his social media activity using a variety of methods and devices, including those of friends and associates. In a field contact with AP&P in May 2018, text messages with women were noted by AP&P and Rowland admitted to using a dating site. Rowland explained that he did not believe a dating site was social media. A verbal warning was issued, instructing Rowland that type of messaging and involvement with dating sites was considered social media and against his conditions. No social media apps or programs were discovered at that time, only messages. Text messaging was not a violation of Rowland's conditions, and Rowland was permitted by AP&P to access the internet, with the exception of social media sites or chat lines. Rowland's other AP&P contacts showed no violations in this area. Additional or cumulative violations could have increased the severity level of the violations, however, it does not appear AP&P was aware of the names and methods Rowland was using to access the internet and social media, and AP&P did not observe violations on Rowland's known devices and information during office visits, field visits, and searches.

Ultimately, University Police determined it was Rowland behind both the concerning texts sent to McCluskey as well as the extortion messages. It is believed that Rowland used spoofed telephone numbers to send the messages to McCluskey, both the messages stating Rowland was dead, as well as the messages extorting money to prevent the release of compromising photos. Rowland made it appear that these messages were being sent to McCluskey by other individuals. At the same time, he

maintained limited contact with McCluskey via a known number, leading her to believe he wanted to help her find the culprits, and that others were sending the extorting messages. [REDACTED]

McCluskey suspected Rowland might be involved in some manner, but believed and reported she was being extorted by different individuals. The University of Utah Police detective assigned to the case stated that due to the multiple names, accounts, and phone numbers associated with the extortion that it was unable to be determined if it was Rowland or another party committing the extortion.

8.2 Evaluatory matrices and possible actions by AP&P or BOP

Had the information regarding Rowland's violations being investigated by University Police (starting on October 12) been communicated to AP&P, the potential actions that could be taken by AP&P or the Board of Pardons and Parole depends on the information passed to them and the discretion of the entities within the guidelines set forth in the *Adult Sentencing and Release Guidelines*.

Rowland's use of social media and the accompanying sanctions would depend on the information available to officers. If Rowland had known social media accounts in his own name, or on his own known devices, if the aliases [REDACTED] could be tied to Rowland, or if officers had probable cause that he was using social media, a variety of sanctions could be imposed, from low level sanctions to a Board referral, depending on severity. Multiple noted violations of social media use, or if the social media use constituted a public safety or other qualifying exception per the guidelines, would increase the level of the violation (possibly to high), which would result in additional sanctions and guideline options. Simple social media use could be addressed with lower level sanctions by the AP&P agent or AP&P agent and supervisor, or could result in an exception and referral to the Board if deemed necessary either by guidelines or by officer discretion. For the range of possible actions, refer to Tools 1-6 of the *Adult Sentencing and Release Guidelines*.⁷⁹

If the police department could obtain and articulate probable cause that Rowland was behind the extortion, it would have qualified as a high level violation, which could result in a 72 hour hold by AP&P and the submission of a warrant to the Board. Upon review of the warrant, if the Board felt that probable cause existed, parole could be revoked with a hearing.

In this given case, it appears that the University Police did not at the time have probable cause to determine that Rowland was committing the extortion, based on the detective's information that the multiple names, numbers, accounts, and phone numbers associated with the extortion made it unable to be determined if Rowland or another party was committing the extortion.

With Rowland's suspected involvement in the extortion, even short of probable cause, the guidelines would allow for AP&P to take any action from a verbal warning, up to a notification to the Board, depending upon the information they would be provided by the investigating agency (see **Chapter 4.3, Graduated Responses and Sanctions**). The guidelines provide for a wide range of sanctions based on the information provided as well as the discretion of the agent and input from investigating agency.

Rowland's actions regarding the concerning texts also allow for a range of possible sanctions within the guidelines. Rowland communicated primarily with McCluskey through [REDACTED] that do not preserve content, therefore, the exact nature of many of the messages was not preserved. Depending on the nature of the texts, and whether they could be attributed to Rowland at the standard

of probable cause, would determine the possible sanctions. A probable cause standard, as well as any qualifier that would make the text a high level violation (related to his original offense / deviancy, public safety exception, etc.), could be referred to the Board. From the investigation conducted by the University of Utah Police, it does not appear that probable cause was able to be established in connection with Rowland based on the spoofed and unfamiliar numbers. Short of probable cause, Rowland's suspected involvement could have resulted in AP&P calling him in for an interview, or opening an investigation to attempt to establish probable cause or discover more information in conjunction with the University of Utah Police. Depending on the information discovered in the investigation, it could result in anything within Tool 5 of the *Adult Sentencing and Release Guidelines* (**Figure 3** of this report), from a verbal warning to a referral to the Board, depending on the information from the interview or investigative process.

Overall, the exact determination for the possible sanctions by AP&P would be dictated by the evidence that was had and could be presented at the time, and the discretion and decisions of the individuals operating within the guidelines specified in the Adult Sentencing and Release Guidelines. A revocation of Rowland's Parole would have required a warrant from the Board, based on probable cause.

Any possible actions or involvements of AP&P, had they been notified, are speculative and dependent on the circumstances and discretion of the investigating agencies and parties, with the information available to them at the given time. Based on the variables in this case it is not possible to determine the outcome had AP&P been contacted by the University Police regarding Rowland's parole status.

CHAPTER 9: RECOMMENDATIONS

9.1 Recommendations Preface

In the course of the investigative review, two primary channels of information sharing were identified.

- 1) Technical information sharing, involving the use of technological systems and electronic communications to share data and information; and
- 2) Relationship based information sharing, such as interactions between agencies and entities and collaborative efforts and actions

As outlined in Chapter 8 of this report, it is not possible to determine an outcome in Rowland's case had University Police contacted AP&P regarding Rowland's parole status in the early stages of the investigation, based on the variables mentioned in Chapter 8 of this report. The recommendations in this chapter involve areas of possible enhancement to the current system.

Investigators identified several areas for consideration that may help in the enhancement of certain elements of these two channels of information sharing.

9.2 Addition of Probation & Parole Status to NCIC and Criminal Histories

INFORMATION TO CRIMINAL HISTORIES

Recommendation: Consult with the Bureau of Criminal Identification (BCI) and Department of Corrections (DOC) to determine the requirements and options to add probation/parole status on Utah Criminal History reports and Interstate Identification Index (III) criminal history reports. This likely would

require permission from the Department of Corrections to release offender information to the FBI for inclusion on III criminal history reports.

- 1) In June, 2015, The Federal Bureau of Investigation conducted a National Identity Services Audit Report, in which it evaluated compliance with policy requirements associated with access to criminal justice information systems and information. The audit found the practice of including probation/parole information on Utah criminal history reports to be out of compliance. The audit cited the fact that the Bureau of Criminal Identification (BCI) received custody data from the Utah Department of Corrections, and that while BCI linked the custody data to the state record, the custody data was not forwarded to the FBI for inclusion in the III (Interstate Identification Index - criminal history). The fact that custody data was only appended to state records, and not shared with the FBI to be shared with other states and entities caused the status to be out of compliance. Investigators spoke with representatives from BCI, who stated that BCI did not share the custody data with outside agencies because BCI was not the owners of that data. In order to comply with the audit process and compliance status, BCI removed probation / parole information from Utah criminal history reports in May 2018.

Addition of probation/parole status to criminal histories (both III and Utah Criminal History) would be beneficial to allow another area for officers to see probation/parole status.

INFORMATION TO NATIONAL CRIME INFORMATION CENTER (NCIC)

Recommendation: Consult with the Bureau of Criminal Identification (BCI) and Department of Technology Services (DTS) to determine if probation/parole status can be added to the National Crime Information Center (NCIC) database. One of the file types the NCIC database contains is Supervised Release files, which contains records of individuals on probation, parole, or supervised release. NCIC allows for information to be displayed to officers when making an NCIC inquiry. According to information provided to investigators, NCIC is capable of accepting and displaying probation/parole information in the Supervised Release file type. It is recommended that BCI and DTS personnel review this possibility, in conjunction with Utah Criminal Justice Information System (UCJIS) capabilities to determine if it is possible to provide probation/parole status and information to NCIC databases.

9.3 Evaluation of the PSAN System for Possible Enhancements or Improvements

Recommendation: Consider commissioning personnel from the Department of Technology Services (DTS) and Department of Corrections (DOC) to review and evaluate the Public Safety Alert Notification (PSAN) system for possible enhancements or improvements to the system.

- 1) During the review of the PSAN system, investigators noted that the system receives tens of thousands of notifications per month in a DOC log. The amount of transactions reported, any time an offender was queried, diluted the value of the notifications and inhibited the Department of Corrections from identifying transactions or interactions of relevance and concern. Many of the inquiries reported and logged via the PSAN system are not law enforcement contacts, and can be other checks such as employment background checks, driver license status inquiries, or records checks. AP&P explained that while agents have access to this log, agency resources require prioritization of tasks in conjunction with other agency responsibilities. Reviewing all of these notifications would require extremely large amounts of time, and given that many of these notifications in the log are not law-enforcement contacts or actionable contacts, it falls to lower priority relative to tasks such as office visits, field contacts, and investigations. Processing these notifications would

require individually reviewing all of the thousands of notifications, conducting follow up on each notification to determine the reason and circumstance for the inquiry and notification, and determining whether the inquiry is related to an actionable or law-enforcement related contact for the given offender.

- 2) Based on the information noted above and in this report, one of the challenges and issues regarding the PSAN system revolves around capabilities for notification filtering, classification, and analysis. Arrest and citation notifications are filtered and delivered as emails and desktop notifications to AP&P agents. Current filtering abilities and parameters for all other transaction report notifications make it difficult to distinguish between inquiries made as a result of law-enforcement/actionable contacts, and inquiries made as a result of non-law enforcement/non-actionable contacts such as employment background checks.

It is recommended that DOC and DTS evaluate the PSAN system be reviewed and evaluated for enhancements or modifications that might address these challenges, either through programming and development or the addition of personnel/staff. The possibility of adding a user-end modification, such as a messaging system to DOC/AP&P, from the end user (the user making the inquiry) in conjunction with making the inquiry, could be explored and evaluated.

9.4 O-Track System Inquiries and Training

Recommendation: Provide law enforcement officers with additional training regarding the O-Track system and the operation and function of the Department of Corrections / Adult Probation and Parole. Additional training would likely enhance law enforcement officers' knowledge of how the Department of Corrections and supervision system works, and provide valuable opportunities to enhance information sharing and cooperation between agencies. In speaking with University of Utah police, patrol officers are generally not familiar with O-Track systems and data. This could be conducted by AP&P personnel as well as other individuals.

- 1) Police Academy Course Taught by AP&P

With access to sufficient resources, Adult Probation and Parole stated they would be willing to have Parole Agents and personnel teach an instructional block course at Peace Officer Standards and Training (POST) [POST is the standard basic Utah police academy]. An instructional course at POST would provide new officers from a variety of departments the educational knowledge on the correctional system and effective information on working with AP&P and effectively utilizing resources.

- 2) Inter-Agency Educational Courses and Training

Additionally, with sufficient resources, Adult Probation and Parole would be willing to provide training and instruction to agencies and departments. This would assist in training and educating current certified peace officers on the O-Track system and information, as well as effective interaction with AP&P in the course of their duties and investigations.

9.5 Department of Corrections / Adult Probation and Parole Resources

Recommendation: In discussions with University of Utah Police and in experience of investigators, relationships between law enforcement and AP&P could be enhanced to collaborate on investigators and encounters with probationers and parolees. Consider the allocation of additional resources to the Department of Corrections / Adult Probation and Parole for outreach and engagement with local law enforcement and communities. This would enable AP&P the ability to provide informative training to other law enforcement entities and would likely enhance collaboration and information sharing between entities. Information from AP&P suggests that additional resources would allow for more training, outreach, and involvement with local agencies.

- 1) Preliminary numbers provided during this investigation indicate that Presentence Investigation (PSI) workload for AP&P has increased by over 30% during the last five years in yearly PSI completions. In the same 5 years (2013-2018) numbers suggest supervision workload has increased by over 15%. AP&P agent positions increased by 35 from 2015-2016, however, the majority of new positions were designated for reentry/transition and treatment services (20 agents). The only direct increase to PSI over the last 5 years was during 2016, when 15 positions were added, a 5% increase to PSI and supervision agent positions. Additionally, the number of average monthly contacts per agent (face to face contact with offenders), has increased from an average of 86 contacts in 2013 to an average of 109 contacts in 2018. Additionally, Justice Reinvestment Initiative (JRI) and other changes have resulted in an increase in the proportion of moderate and high risk offenders being placed on supervision. Higher risk offenders require more supervisory time and a higher frequency of contacts than lower risk offenders.

In meeting with AP&P officials and reviewing work and documentation in regards to the Rowland case, AP&P appeared to meet all requirements and expectations of performance as delineated by the guidelines. While the AP&P's workload was not a contributing factor in the case involving Rowland, it is believed that additional resources would likely enhance AP&P's ability to be involved with local agencies and communities, and enhance information and resource sharing between entities. AP&P is currently engaged in inter-agency efforts and operations, and it is believed additional resources would assist the department in this capacity. It could allow for additional benefits such as formalized training and outreach to other law enforcement agencies and support personnel. AP&P stated the following to investigators regarding resources for collaborative work:

"We believe the proposed recommendations and addition of resources to improve capacity for training, outreach and collaborative interactions with other agencies, will improve information sharing and result in positive outcomes for our communities. We are engaged in several inter-agency operations across the state. The Department of Corrections is committed to enhancing public safety and will continue to evaluate supervision practices to most effectively utilize agency resources."

DEPARTMENT OF CORRECTIONS / ADULT PROBATION AND PAROLE OUTREACH POSITIONS

Recommendation: Consider the establishment of outreach position(s) within the Department of Corrections / Adult Probation and Parole. This could be an agent, or select number of agents designated to provide training and act as a liaison with outside agencies in regards to training and education, as well as the facilitation of information sharing between entities. These efforts could enhance the abilities for police agencies and AP&P to be aware of actions and encourage consultation when police are investigating parolees and probationers.

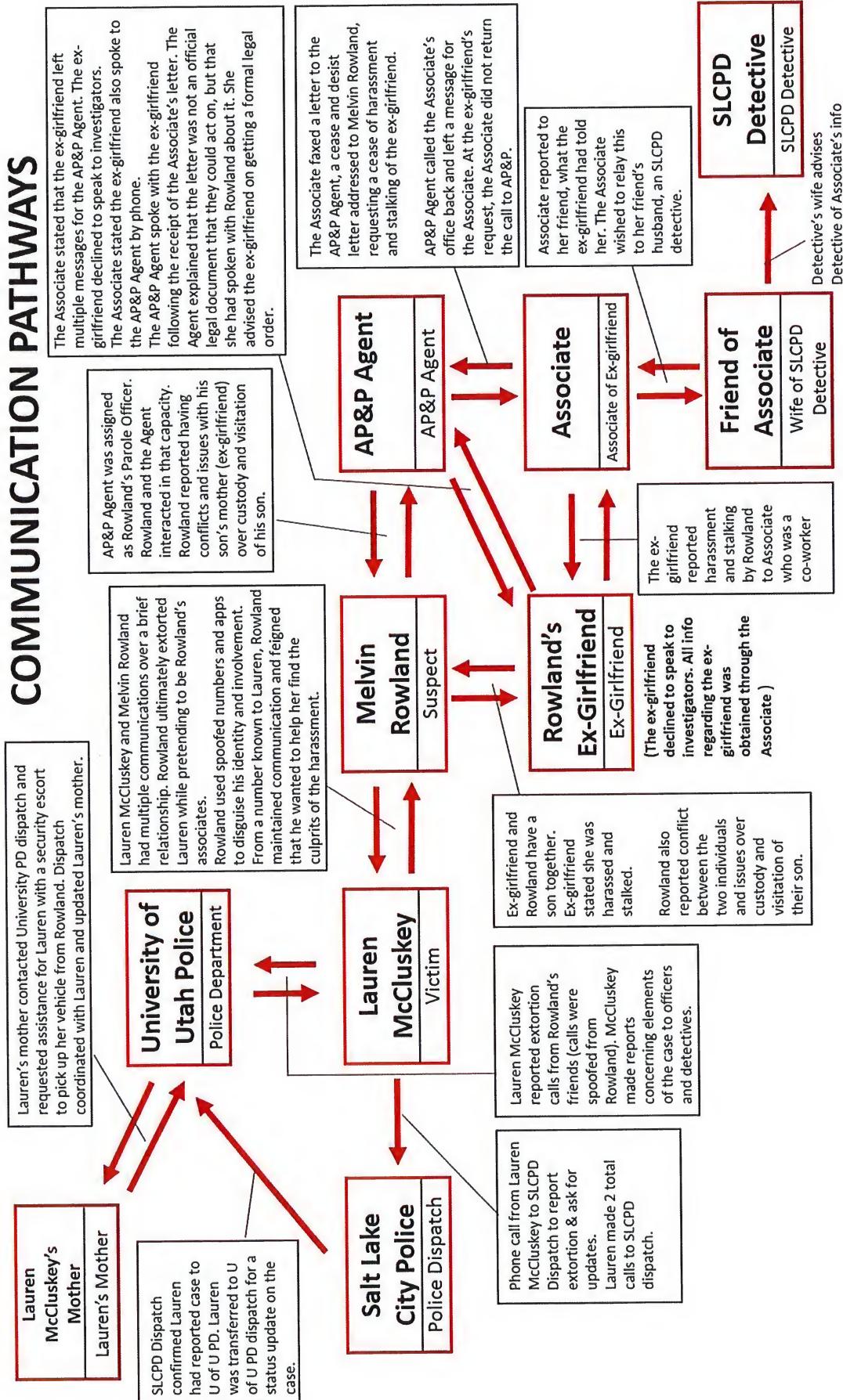
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40. *Rowland Offender Assessment Listing History, Page 1*
41. *Rowland Treatment History, Page 1*
42. *Utah Administrative Code, Rule R671-201*
43. *Rowland's 1st Parole Agreement, 2012*
44. *Rowland's 1st Warrant Request, 2012*
45. *Rowland's 2nd parole agreement, 2013*
46. *Rowland's 2nd Warrant Request, Feb. 12, 2016*
47. *Rowland's 3rd Parole Agreement, 2016*

48. *Melvin Rowland's Presentence Packet*, 04/02/2004
49. *Melvin Rowland's Presentence Investigation Report*, 04/28/2004
50. Adult Probation and Parole, *Standards of Supervision*, select citations
51. *Adult Sentencing and Release Guidelines*, 2016
52. *Utah Adult Sentencing and Release Guidelines*, Tool 2B, Page 38
53. *Utah Sentencing Commission website*, <https://justice.utah.gov/Sentencing/>
54. *Utah Sentencing Commission website*, <https://justice.utah.gov/Sentencing/>
55. *Adult Sentencing and Release Guidelines*, Form 1-5, P. 26-30
56. *Adult Sentencing and Release Guidelines*, Tool 6, P.42
57. *Adult Sentencing and Release Guidelines*, Form 1-5, P. 26-30
58. *Rowland Board of Pardons and Parole Records*
59. *Utah Bureau of Criminal Investigation website*, <https://bci.utah.gov/about/>
60. *Bureau of Criminal Identification Inquiry Records*
61. [REDACTED]
62. *Bureau of Criminal Identification Inquiry Records*
63. *Utah Department of Technology Services*
64. <https://www.fbi.gov/services/cjis/ncic>
65. *FBI National Identity Services Audit Report*, 2015.
66. *Bureau of Criminal Identification Records and Consultation with Utah Department of Technology Services*
67. [REDACTED]
68. [REDACTED]
69. [REDACTED]
70. *Information obtained from University of Utah Police*
71. [REDACTED]
72. *Salt Lake City Police Department Records*
73. [REDACTED]
74. [REDACTED]
75. [REDACTED]
76. *Salt Lake City Police Department Records*
77. *Utah Department of Occupational and Professional Licensing website*, <https://dopl.utah.gov/>.
78. *Utah Department of Occupational and Professional Licensing Records*
79. *Adult Sentencing and Release Guidelines*, P. 35-42

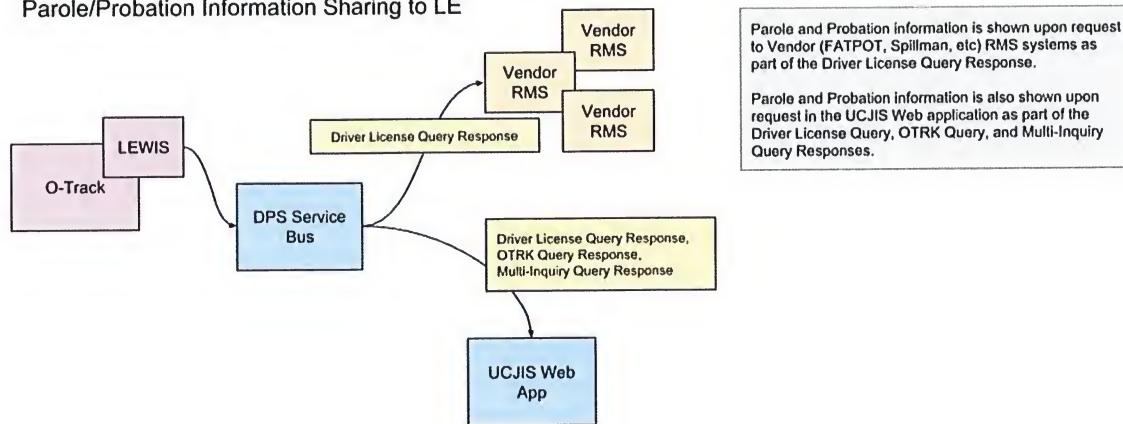
APPENDIX A

COMMUNICATION PATHWAYS

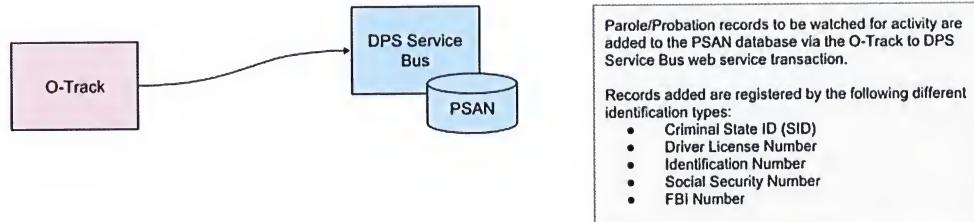


APPENDIX B

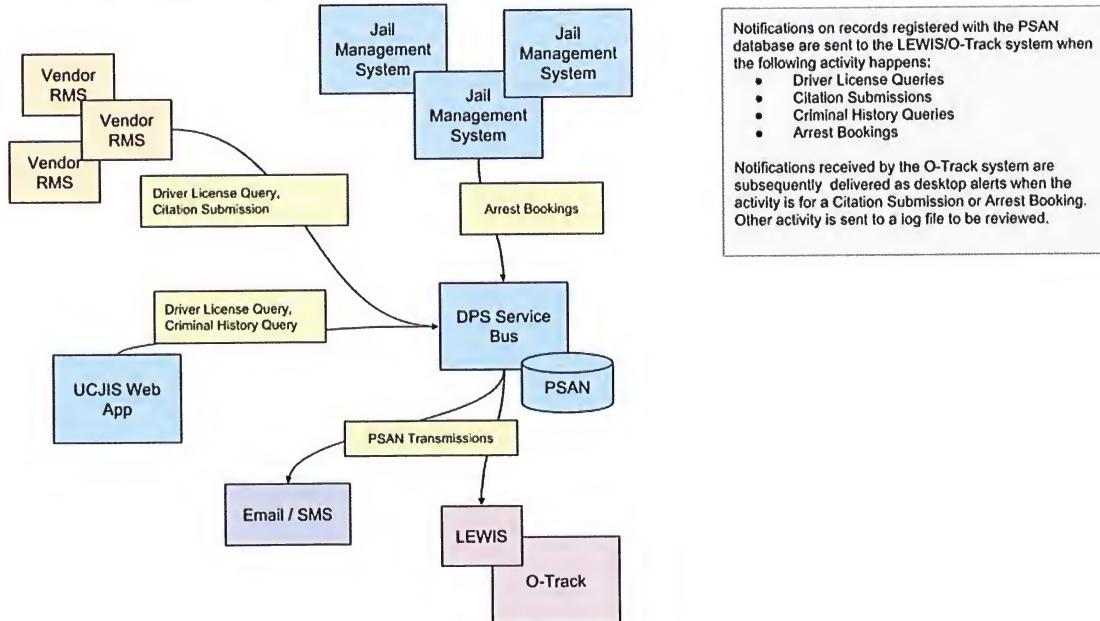
Parole/Probation Information Sharing to LE



Registering Parole/Probation Records to PSAN



PSAN Transmissions for Record Activity



APPENDIX C

TOOL 2B - Supervision Violations Table

Violation	Severity	Nature of Violation
Felony Person Crime Conduct (see Addendum B)	High	Public Safety Conditions Violations
Misdemeanor Person Crime or DUI Conduct	High	
Unauthorized Contact or Location	High	
Fail to Report for Commitment	High	
Absconding: Residence, Travel or Reporting – PO Contact Unsuccessful	High	
Special Conditions Violations: Sex, Gang, DV, DUI, ICE	High	
Possession of Dangerous Weapon – Firearm	High	
Damaging/Tampering/Removing GPS	High	
Public Safety Conduct. Substantial Threat	High	
Felony Non-Person Crime Conduct	Medium	Risk Reduction Conditions Violations
Misdemeanor Conviction (Non-Person/Non-DUI)	Medium	
Tampering with Device or Testing (controlled substance/alcohol)	Medium	
Possession of Dangerous Weapon – Non Firearm	Medium	
Unauthorized Electronic Access	Medium	
Positive Test Result (controlled substance/alcohol)	Medium	
Repeated Accountability Conditions Violations (3+ of same condition)	Medium	
Cumulative Accountability Conditions Violations (3+ of any conditions)	Medium	
Fail to Submit to Testing (controlled substance/alcohol)	Low	Accountability Conditions Violations
Fail to Enroll or Participate in Treatment	Low	
Fail to Comply with Employment Conditions	Low	
Fail to Comply with Financial Conditions	Low	
Fail to Comply with Residence, Travel or Reporting (with PO Contact)	Low	
Fail to Comply with Structured Living	Low	
Non-compliant with Medical Orders/Medication	Low	
Infraction Conviction	Low	
Fail to Comply during Field Visit	Low	
Fail to Comply with Curfew	Low	
Fail to Notify of Police Contact	Low	
Fail to Participate in CAB	Low	
Fail to Pay Restitution	Low	
Fail to Complete Community Service	Low	
Fail to Pay Fees	Low	

*All other Tools and references can be found in the Adult Sentencing and Release Guidelines